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## I. Personnel Policies

### A. Introduction

#### 1. All Employees

- a. These policies affecting SIU Carbondale employees have been approved and are promulgated pursuant to Chapter 2 of the Policies of the Board of Trustees of Southern Illinois University. Each subject area is organized into three sections:
  - I) Policies applicable to all employees;
  - II) Policies applicable only to civil service employees;
  - III) Policies applicable only to faculty and administrative/professional staff.
- b. These policies do not contain matters that are essentially procedural, nor do they include material based on policies of federal or state agencies, such as the State Universities Retirement System, the State Universities Civil Service System, or Central Management Services. Such information may be found in the SIUC Employees Handbook and in the publications of the appropriate federal and state agencies. These SIU Carbondale Personnel Policies and other SIU policies and procedures may be found on Online at the SIU Carbondale Policies and Procedures Web site: <https://policies.siu.edu>.
- c. The Director of Human Resources is responsible for the implementation of an effective program of personnel administration including but not necessarily limited to the following:
  - I) implementation of the total personnel program for employees within the provisions of the State Universities Civil Service System and such other statutes (state and federal) as may be applicable;
  - II) recruitment and employment of qualified civil service personnel;
  - III) classification of civil service positions;
  - IV) creation and maintenance of a sound program of internal employee and labor relations;
  - V) maintenance and security of all personnel records and information systems;
  - VI) administration of the university benefit program;
  - VII) administration of a wage and salary program for civil service and administrative/professional staff;
  - VIII) coordination of training and development programs.

#### 2. Civil Service

The general conditions of employment of civil service personnel (SIU Board of Trustees 2Policies, C.1.a) are set forth in the following documents:

- a. the State Universities Civil Service System Statute;
- b. the Rules of the State Universities Civil Service System as approved by the Merit Board;
- c. the Civil Service Personnel Policies promulgated by the executive officer to whom the employee reports and approved ;

- d. any applicable collective bargaining contract as filed with the President of Southern Illinois University.

### 3. Faculty & A/P Staff

- a. The faculty consists of all persons holding academic rank (2 Policies A.8). Only faculty are eligible for sabbatical leaves and for tenured appointments. The usual faculty contract shall be for the academic year and shall carry with it the obligation to perform ancillary duties, such as syllabus development, grading, student advisement, and attendance at commencement exercises, which may require actions just before or after the calendar dates of academic terms. Faculty shall have the right and duty to participate in the formulation of academic policy affecting the performance of their duties, both by direct participation within their academic unit and through their elected representatives (2Policies C.1.c.1-4).
- b. Administrative/professional staff are the principal administrative appointees as determined by the Merit Board governing the State Universities Civil Service System (2 Policies A.1).
- c. The general conditions of employment of faculty and administrative/professional staff are set forth in the Southern Illinois University Personnel Policies promulgated by the university chancellor and approved (2 Policies C.1.c.).

## B. Appointments and Separation

### 1. All Employees

- a. Affirmative Action/Equal Opportunity Employment

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

#### I) Introduction

The University Affirmative Action Office (UAAO) is responsible for developing, coordinating, and monitoring the university's affirmative action employment program. The implementation of this program is ultimately the responsibility of the chancellor, the vice chancellors, deans, and all administrators who have responsibility for personnel actions. A function of the UAAO is to develop and implement procedures and policies which comply with all new and existing federal and state affirmative action/equal employment opportunity guidelines and regulations.

#### II) Policies on Equal Opportunity/Affirmative Action

##### A) Board of Trustees Policy

In accordance with the laws of the State of Illinois and the United States, the Board of Trustees of Southern Illinois University is committed to a policy of equal opportunity for all persons and is committed to taking

affirmative steps aimed at overcoming historical patterns of discrimination in our society. The Board of Trustees directs that all elements of Southern Illinois University adhere to procedures which promote this policy in all phases of university activities including employment, educational programs, choice of contractors and relationships with employee organizations (Statutes of the Board of Trustees, Article VII).

B) SIUC Affirmative Action Policy Statement

It is the policy of Southern Illinois University Carbondale to provide equal employment and educational opportunities for all qualified persons without regard to race, color, religion, sex, national origin, age, disability, status as a protected veteran, sexual orientation, gender identity, pregnancy, or marital status. The university is committed to the principles of equal employment opportunity and affirmative action and will continue to conduct all personnel actions in accordance with the letter and spirit of applicable state and federal statutes and regulations, including Executive Order 11246 as amended. Personnel actions include, but are not limited to, recruitment, hiring, position assignments, compensation, training, promotion, tenure consideration and award, retention, lay-off, termination, and benefits.

The university recognizes that the barriers of race, color, religion, sex, national origin, age, disability, status as a protected veteran, sexual orientation, gender identity, pregnancy, or marital status of some individuals have resulted in their denial of full participation in all societal functions and is, therefore, committed to taking affirmative steps aimed at overcoming such historical patterns of discrimination in our society. The University's Affirmative Action Program identifies special actions intended to bring such groups into full participation in all aspects of university life. Through its Affirmative Action Program, Southern Illinois University Carbondale is committed to:

- 1) increased numbers of minorities, females, individuals with disabilities, and protected veterans in all aspects of SIU Carbondale employment with special procedures applicable to those positions determined to be underutilized<sup>1</sup> for minorities, females, individuals with disabilities, and protected veterans;
- 2) cultural and educational diversity in the curriculum and environment of the university;

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<sup>1</sup> Underutilization is defined as having fewer minorities, females, individuals with disabilities, and protected veterans in a particular job group than would reasonably be expected by their availability.

- 3) removal of barriers to minorities, women, protected veterans, and individuals with disabilities;
  - 4) support of the principles of equal opportunity and affirmative action in an effort to redress the consequences of past societal discrimination and to maintain a positive non-discriminatory educational environment.
- C) The responsibility for coordinating and monitoring compliance with the University's equal employment opportunity/affirmative action policies is assigned to the University Affirmative Action Officer. Implementing and assuring compliance with these policies is the responsibility of the Associate Chancellor for Institutional Diversity and each Vice Chancellor.<sup>2</sup> In addition, each Dean, Director, or other staff member involved in the recruitment and hiring process must ensure compliance with the spirit as well as letter of the policies and procedures. Many involved in the staff selection process assume that others are responsible for the success of the affirmative action program. It is a basic assumption of SIU Carbondale's Affirmative Action Office that all administrative levels and especially Deans, Directors, Chairs, faculty and all hiring administrators are responsible for fostering and enhancing institutional diversity. The initiating hiring officer has the primary responsibility for maintaining the integrity of these affirmative action policies and procedures and is ultimately accountable for attaining diversity within his or her staff.

### III) SIUC Employment Policies

While the federal regulations do not outline in specific detail the types of recruitment efforts expected, Southern Illinois University Carbondale has made the decision that merely meeting minimum requirements is not sufficient for producing equal employment opportunities and creating a staff of the highest quality and diversity. To achieve a heterogeneous pool of qualified candidates needed for faculty and administrative positions, it is necessary to have broad "good faith" searches and vigorous recruiting. A strong commitment to equal opportunity by all members of SIUC is vital if this institution is to achieve its goal of equal opportunity employment. The goal of recruiting and retaining diversified and qualified personnel is best realized when the university's commitment is backed by vigorous and aggressive recruitment efforts.

The highest priority of SIUC is maintaining excellence in its teaching, service, and research activities while fulfilling its commitment to diversity among its faculty and staff. An effective affirmative action employment program will

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<sup>2</sup> In this document reference to vice chancellor includes all officers, regardless of title, who report directly to the Chancellor of SIUC.

support this institutional effort. This priority can only be met by careful and thorough searches each time a new faculty or administrative/professional appointment is to be made. (Civil Service procedures do not necessarily utilize the same search procedures). Expending additional effort to locate and recruit qualified candidates from among legally recognized protected groups will increase the diversity of the candidate pool and diversity of SIUC staffing.

A) Role of University Affirmative Action Officer (UAAO)

The responsibilities of the Affirmative Action Office are broad. The office works closely with the Associate Chancellor for Institutional Diversity, vice chancellors, colleges, schools, deans, directors, and other administrative offices in order to develop and supplement the university's affirmative action policies in general and employment program in particular. The office is also responsible for providing information both inside and outside the university. With the assistance of the University General Counsel and Associate Chancellor for Institutional Diversity, the office attempts to keep the university community informed of changes in equal opportunity and affirmative action laws and regulations, and to promote the concepts and efficacy of affirmative action programs.

The UAAO should be viewed as a service provider as well as compliance monitor. In addition to employment-related personal services to all staff, the Affirmative Action Officer is available to assist with search committee formation, serve on search committees, provide information regarding non-traditional recruitment sources and training workshops regarding various aspects of affirmative action.

B) Role of Hiring Administrators

Again, the responsibility for implementation of and commitment to the university's affirmative action policies is required at all levels of the university administration. The Chancellor of SIUC is ultimately responsible for ensuring equal opportunity for all applicants and for implementing the university's affirmative action policies. Unresolved complaints regarding the administration of these hiring procedures by the vice chancellor and/or the Affirmative Action Officer may be brought to the chancellor for review and redress. Affirmative action is a continuous activity that takes place within each unit, college, department, and division of the university.

In the academic departments and other administrative units, it is the responsibility of departmental faculty and of the chair or the unit supervisor to ensure proper compliance with the policy. The vice chancellors and the deans/directors are responsible for review of the



department/unit activities which concern appointments, reappointments, promotions and other personnel actions relating to faculty and staff in order to assure that academic and administrative policies and procedures are followed.

In other administrative units, it is the responsibility of the vice chancellors to review and approve actions, such as recommendations for appointments, and to ensure that the appointments are consistent with all university policies and procedures, including those related to affirmative action.

b. Pre-Employment Background Investigations

[The following was approved on August 25, 1995, with amendments on June 27, 1996, May 14, 1998 and January 4, 2006 in accordance with provisions set forth in SIU Board of Trustees 2 Policies F.]

- I) Applicants for all security-sensitive positions at SIUC, permanent or temporary, are subject to background investigations prior to an official offer of employment. A preliminary offer of employment is contingent upon the successful completion of any applicable investigation. Security-sensitive positions are those that involve
  - A) working with minors or individuals with diminished mental capacity;
  - B) providing for the safety of students, faculty and staff;
  - C) regular access to controlled substances;
  - D) significant responsibility, defined as \$50,000 or more per day, for the control of university financial resources.
- II) Additions or changes to the list of security-sensitive positions, which is maintained by Human Resources, must be approved by the Director of Human Resources.
- III) Procedures
  - A) Advertisements for security-sensitive positions must state that a pre-employment background investigation will be required.
  - B) The hiring official must inform each candidate for a security-sensitive position that he/she may be subject to a background investigation<sup>3</sup> and must secure from each candidate written authorization for release of information.
  - C) The background investigation, which will be conducted by an independent investigating firm, will verify the candidate's identity;

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<sup>3</sup> In cases involving civil service, graduate assistant, and student employment positions, background investigations will generally only be conducted for the candidate to whom an offer of employment will be made. With faculty and administrative/professional staff positions, background investigations will be conducted for the candidate to whom an offer of employment will be made unless the hiring official should decide to conduct the investigation for all candidates in the final interview pool.

his/her employment history for a minimum of the last 5 years<sup>4</sup>; highest degree attained; and will determine the existence of felony or misdemeanor convictions during the last 7 years. In the case of student or temporary employment, the background investigation will include only identity verification and criminal background investigation.

- D) The verification of highest degree attained and employment history will be made available to the hiring unit.
- E) Before excluding a candidate from further consideration based on the results of the background investigation, the Director of Human Resources, or designee, will consult with the University General Counsel and, in the case of faculty and administrative/professional positions, the appropriate vice chancellor or designee. A decision to exclude the candidate on the basis of criminal background will take into account the nature of the criminal conviction and the relevance of the crime to the responsibilities of the position.
- F) No official offer of employment may be extended to a candidate for a security-sensitive position until the background investigation is complete and Human Resources has approved the candidate's qualification under this policy.

## 2. Civil Service

### a. Hiring and Appointments

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

Hiring and appointment procedures are consistent with the State Universities Civil Service Statute and Rules. Human Resources is the centralized employment agency for all civil service hiring within the university. Requests to create or fill civil service positions must have appropriate administrative approval. Human Resources will advertise vacancies in accordance with established office procedures and applicable affirmative action hiring procedures. No offer of employment shall be made without clearance from Human Resources.

### b. Changes in Employment Status

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- l) A change of status for civil service personnel may relate to promotion, reclassification, reallocation, change of salary or account, reassignment, work schedule, change in percent of appointment, placement on leave or return from leave, placement on layoff or return from layoff, change of provisional

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<sup>4</sup> Hiring units may indicate if they wish the investigation to include employment histories for candidates.

or temporary status, termination, resignation, and retirement. Any alteration of status must have appropriate administrative approvals.

A) Reassignment

- 1) A reassignment is the movement of an employee from one position to another in the same classification within or between departments. Employees may be reassigned administratively or at the request of the employee. Administrative reassignments between departmental units are subject to the approval of Human Resources. Only status employees with demonstrated acceptable job performance are eligible to request reassignment. An employee's request for reassignment must be submitted to Human Resources in writing. All reassignments are made with no change in salary.
- 2) Candidates on reassignment registers may be interviewed at the discretion of the hiring unit. Reassignment candidates, if selected, maintain their seniority for the classification and their unused vacation and sick leave but do not serve any additional probation. Employees should give at least 2 weeks notice when relocating on campus.

c. Types of Appointments

There are 2 types of status civil service appointments and 6 types of non-status civil service appointments (Civil Service Statute and Rules, 250.70).

l) Status Civil Service Appointments

A) Permanent and Continuous Appointment

A status appointment is made to a position which the university has the intention of continuing on a regular basis for 6 or more months. Two types of positions, fiscal-year and flex-year, may be used for a permanent and continuous appointment. Applicants must compete from the civil service register. Employees are entitled to all benefits of university employment.

- 1) Fiscal Year Positions: active pay status is for 12-months duration (July 1 through June 30, full time or a percentage of a full-time basis).
- 2) Flex-year Positions: active pay status is less than 12-months duration:  
10 months of appointment (August 1 through May 31) 9 months of appointment (August 16 through May 15) 8 months of appointment (August 16 through December 15 and January 16 through May 15).
  - a) Flex-year positions may be full-or part-time. Flex-year positions may be established in the case of a new position, or at the time an existing position is filled, or when the incumbent of an existing position voluntarily agrees to a reduction from a fiscal-year

position to one of the flex-year positions. In the latter instance, the department and employee must demonstrate mutual agreement in an implementation proposal outlining plans for a specified flex-year position. Human Resources will consider approval of a flex-year arrangement if the employee agrees to the employment conditions of a specified flex-year position. In case of a new or replacement position, the candidate will be formally interviewed following agreement to the special conditions. The candidate/incumbent signature denoting understanding and acceptance/no interest will be required.

- b) Procedures for flex-year appointments are available on request. Civil Service Employment and Classification staff are available to assist departments and staff who have questions about any conditions of a flex-year position.

#### B) Contract Appointment

This appointment is utilized where the required work is to be performed at locations away from the premises of the university or its immediate environment.

### II) Non-status Civil Service Appointments

#### A) Extra-Help Appointment

- 1) An extra-help appointment may be made to any position for work which is temporary or emergent in nature and which meets the following conditions: the amount of time for which the services are needed is not predictable; payment for work performed is usually made on an hourly basis; the work cannot readily be assigned either on a straight-time or on an overtime basis to a status employee. Extra-help appointments may be used to hire a temporary employee in a new position to perform a work assignment of limited duration or to fulfill a short-term, nonrecurring need; or to hire a temporary replacement in a status civil service position, as in the case of replacing a status employee who is on a short-term leave of absence. Where skills are required for clerical/secretarial positions, skills examinations will be administered to prospective extra-help employees by Civil Service Employment and Classification. No benefits accrue with this type of appointment and pay is only for actual hours worked.
- 2) In accordance with the civil service Statute and Rules extra-help appointments must not exceed 900 work hours in any consecutive 12 calendar months. If an extra-help position has accrued 900 hours, the position shall not be reestablished until 6 months have elapsed from the date of the termination of the position. Once an employee has

reached the maximum limit, there must be a break of 30 calendar days before the same employee can be rehired in another extra-help position.

B) Intern Appointment

An intern appointment is designed to allow access to persons who have been prescreened for job readiness in the absence of qualified candidates on the reemployment register or promotional register for the class. After selection of an intern candidate by the participating department, an individualized training schedule is designed based on the duties and responsibilities of the position which may include on-the-job training, academic course work, or specially arranged classes. Each program is evaluated on a monthly basis or more frequently if it becomes necessary to provide constructive and comprehensive training. Program completion is a joint determination between the department and Human Resources upon written recommendation for certification by the supervisor. However, there are occasions or conditions when Intern Programs are shortened. These occasions or conditions exist when the intern is satisfying the department with a high degree of competency in work performance. Upon completion of the Intern Program, the employee begins his or her probationary period. Employees with intern appointments receive all university benefits.

C) Apprentice Appointment

An apprentice may be appointed to a position defined as an "apprenticeable occupation" by the Bureau of Apprenticeship and Training in the United States Department of Labor in accordance with registered apprenticeship standards. For example, the candidate is required to have 4,000 or more hours of work that involves the development of skill and the acquisition of knowledge sufficiently broad to be applicable in like occupations throughout a particular industry and that meet the standards of the area. Employees with apprentice appointments receive all university benefits.

D) Provisional Appointment

A provisional appointment may be made when there are no candidates on a register. Employees who are provisionally appointed may continue in the position only until they have met the minimum qualifications and have passed the examination for the class which would elevate them to a status appointment. If a register provides a qualified candidate at any time during the provisional appointment, the provisional employee is subject to replacement in that position. Provisional employees begin their probationary periods on the date they are hired in status

appointments. Employees with provisional appointments receive all university benefits.

E) Temporary Appointment

A temporary appointment is made to any position for work which is emergent, temporary, or transitory. Such appointments are made for a maximum of 3 months but may be renewed once with the prior approval of the director of the State Universities Civil Service System to a maximum of 6 months less one day in accordance with need. Applicants must compete from the civil service register. No employee benefits accrue with this type of appointment and pay is only for actual hours worked.

F) Student Work Appointment

The student work appointment is an authorized civil service appointment administered by Financial Aid. No seniority as a civil service employee is earned through employment in a position designated as student. No employee benefits accrue with this type of appointment and pay is only for actual hours worked. A position designated as student may be terminated at any time at the discretion of the employer.

3. Faculty and A/P Staff

a. Adjunct Faculty

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) The title and payroll classification of adjunct preceding the academic rank (instructor through professor) shall be assigned a professional person engaged in instructional and research programs of the university but who is not employed as a member of any educational unit of the university. The following stipulations would apply to the use of this title:
  - A) The possessor of the title shall hold an earned doctor's degree or an appropriate combination of training and experience for the particular title.
  - B) The adjunct faculty member shall be engaged in work closely related to or a part of the programs of the educational units of the university, such as cooperative research projects, part-time instruction, or consultative service to one or more of the university's departments.
  - C) The adjunct faculty member shall have such faculty privileges as the use of the library and participation in faculty social activities. He or she may attend open faculty meetings or committee meetings but may not be a voting member of the university faculty itself, except by special vote of the faculty. The role of adjunct faculty in a particular educational unit will be determined by the faculty of that unit.

- D) In the case of non-university employees, a salary may be provided when the individual is performing a direct service for an educational unit of the university. University employees holding the rank of adjunct (instructor through professor) shall receive their salary from some entity other than an educational unit of the university.
  - II) Adjunct appointments must be on a term basis only and do not lead to academic tenure. A statement from the department chair outlining the nature of the affiliation with the educational unit should accompany the appointment documentation.
- b. Appointment of Faculty Contingent on Completion of Academic Requirements
- [The following was approved on May 9, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies B and C.]
- I) An employment contract may be tendered to an individual who does not yet have the appropriate terminal degree for the rank advertised if the candidate can demonstrate that there is a real likelihood the degree requirements will be completed before the beginning date of appointment. Under such circumstances, the contractual agreement will contain a contingency clause stipulating the following: in the event that the new appointee has not completed the degree requirements by the beginning date of appointment, he/she will be appointed at the lower rank at a reduced salary. Contingency appointments are subject to the following conditions:
    - A) the contingency clause is not to be continued on any reappointment application beyond the one containing the original contingency clause;
    - B) evidence about the candidate's degree status must be submitted with the employment contract, such evidence ordinarily being a letter from the candidate's dissertation adviser indicating a realistic completion date;
    - C) contingency clauses will be consistent within each college in the amount of salary reduction which will occur should the candidate fail to complete degree requirements by the beginning date of appointment;
  - II) The conditions affecting faculty members who have been hired in a lower rank, in accordance with the policy described above are as follows:
    - A) If during the initial appointment year the faculty member successfully completes the degree requirements, submitting proof of same to his/her dean/director, his/her rank will be adjusted to the higher rank (i.e., assistant professor in most cases) at the commencement of the next appointment year. His/her salary will be similarly adjusted to the rate for the higher rank specified on the original employment contract, including an annual salary adjustment, if any.
    - B) If the faculty member fails to complete the degree requirement by the end of the initial appointment year, subsequent appointment is at the discretion of the university, as defined in the university's policy on term

appointments (see Tenure Policies and Procedures III. C. 5. and policy on Non-reappointment section II. 3. within policy. If the faculty member is reappointed, he/she must be reappointed at a rank prescribed by the policy on Non-Tenurable Faculty Appointments II. C. 6.

c. Conversion of Term to Continuing A/P Appointment

[The following was approved on May 5, 1995, with amendments on March 12, 2002 and November 17, 2010, in accordance with provisions set forth in SIU Board of Trustees 2Policies B.]

- I) Upon completion of three consecutive one-year term contracts, the administrative/professional employee must be recommended by his/her immediate supervisor for conversion to a continuing appointment contract if the following four criteria have been met:
  - A) the staff member has been employed in the same position for three or more consecutive contract years at 50 percent time or more;
  - B) the individual has performed satisfactorily in the position, as indicated by a current performance evaluation on file in Human Resources;
  - C) a continued need exists for the position beyond the third year;
  - D) recurring dollars are available to convert a term administrative/professional employee to a continuing appointment.
- II) Funds are designated as recurring if there is a reasonable expectation or likelihood that appropriations will be continued in the next year and the department/program, by its purpose and design, will be operated continuously to ensure maximum effectiveness. By contrast, non-recurring dollars are allocated funds that do not constitute a continuing commitment. Funds are allocated on a non-recurring basis if the funds or program activity are not expected to continue in subsequent years.<sup>5</sup>
- III) This recommendation is subject to the approval of the appropriate fiscal officer, dean or director, and vice chancellor or comparable officer.
- IV) Conversions will be effective in the fiscal year following the end of the third year. Nothing contained in this policy shall preclude an administrative/professional employee who has been on term appointment for less than three years from being converted to a continuing appointment upon the recommendation of the supervisor and other appropriate approvals.
- V) Human Resources will provide written notification to the supervisor and the employee when an a/p employee, under term contract, is approaching the three-year limit. This written notification will include a requirement for the supervisor to initiate a change of assignment to convert the employee to a continuing contract or to notify Human Resources and the employee in

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<sup>5</sup> Department of Health and Human Services, Albuquerque Area Indian Health Service Circular No 96-05 Decentralization and Management of Budgets to the Service Units.



writing that conversion to a continuing contract is not recommended. If conversion is not recommended, the supervisor must specify in the written notice which criteria (1 through 4, above) have not been met. If non-recurring dollars is cited as the sole criteria for non-conversion, specific supporting documentation as to why non-conversion is recommended must be provided to the respective Vice Chancellor for approval, with a copy to the administrative /professional employee, within 30 days of the written notification. If approved, the Vice Chancellor will forward the documentation to Human Resources.

VI) Human Resources will provide written notification as outlined above to the supervisor and a/p employee in each subsequent year that a consecutive three or more-year term contract is not converted to a continuing appointment.

d. Creation of Positions and Approval or Ratification of Appointments, Tenure, and Leaves

[The following policy appears as SIU Board of Trustees 2 Policies B.2.]

- I) The creation of a position of employment reporting directly to the Board of Trustees and the appointment of a person to any such position requires Board of Trustees approval.
- II) The creation of a position of employment by the president which is within two reporting levels of the president, but which is neither under the jurisdiction of a chancellor nor a part-time term, civil service, or student appointment, requires the approval of the Board prior to its public announcement; the appointment to any such position is tentative pending ratification by the Board.
- III) The creation of a position of employment by a chancellor which is within two reporting levels of a chancellor or which reports directly to a vice chancellor, but is not a part-time term, civil service, or student appointment, requires the approval of the president prior to its public announcement; the appointment to any such position is tentative pending ratification by the president and by the Board, if required under e.1.
- IV) Final action on employment administration for the universities' employees is delegated to the chancellors except as otherwise provided by Board policy. Final action on employment administration for employees of the Office of the President is delegated to the president except as otherwise provided by Board policy.
- V) The following personnel actions are also tentative pending ratification by the Board:
  - A) continuing appointments of faculty and professional staff;
  - B) the grant of academic tenure (faculty only);
  - C) the grant of leave with pay.

VI) A tentative appointment is an appointment made by an executive officer pending ratification by the Board or the president or both. A tentative appointment will expire if it has not been ratified, as required, as of the close of the day of the second Board meeting following the inception of the appointment, unless extraordinary circumstances have been demonstrated to and certified by the president. No reappointment of the same individual may then be made without prior Board approval, unless extraordinary circumstances have been demonstrated to and certified by the president.

e. Non-reappointment

[The following was approved on May 16, 1995, with amendments on May 14, 1998, in accordance with provisions set forth in SIU Board of Trustees 2 Policies A-C.]

I) Faculty

The policy regarding notification of nonreappointment of faculty is contained in Tenure Policies and Procedures, II.C (2 Policies C.3.g).

II) Administrative/Professional Staff

A) Term Appointments: A term appointment is employment for a specified period of time. Term appointments may be renewed; however, reappointment to such a position creates no right to subsequent employment or presumption of a right to subsequent employment (2 Policies A.15). Such appointments expire at the end of the term stated in the notice of appointment; no separate notice of nonreappointment will be given for such appointments by the university (2 Policies C.3.g).

B) Continuing Appointments: A continuing appointment is one which is automatically renewed each year unless the appointee is given notice in writing of nonreappointment. The written notice must include the reasons for nonreappointment and must be given in accordance with the following schedule (2 Policies A.4 and C.3.g):

- 1) First appointment year: no less than six months notice in advance of expiration of the appointment.
- 2) Second and subsequent appointment years: no less than twelve months notice. If a notice period extends into the following fiscal year, the final appointment need extend only to the date twelve months following the date notice was given in writing to the staff member.
- 3) On and after the date of the notice of nonreappointment, the addressee of said notice shall hold his/her position under the conditions pertaining to term contracts.

- C) No notice period need exceed the length of the appointment. (Notice periods shall be proportionally shortened for appointments of less than an academic or fiscal year.)

f. Non-Tenurable Faculty Appointments

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies B and C.1.c.]

The following policy will be followed when appointing a faculty member to a full-time non-tenurable position. All appointments will be on a term basis.

- I) Appointments on funds generated from cost-recovery programs, or appointments on a grant or contract in a basic academic unit. Such appointments will be limited to faculty ranks that are non-tenurable and non-tenure accruing. Reappointments may be renewed for the duration of the activity.
- II) Appointments to lines funded from regular state-appropriated funds. Such appointments will be limited to the ranks of assistant instructor or lecturer. Individuals appointed to such ranks must have the appropriate terminal degree. Reappointment will be considered for a maximum of up to 5 consecutive years of employment, including, where applicable, the year spent in an appointment with a contingency statement. Individuals holding non-tenurable appointments are not eligible for promotion to a tenurable rank nor for transfer to a continuing line.
- III) Appointments of professionals on leave from institutions such as other universities, government agencies, private industry, etc., to lines funded from regular state-appropriated funds. The nature of the assignment may vary depending on the needs of the academic unit. Such appointments will be made at the appropriate visiting professorial rank as determined by the qualifications of the individual. Reappointments may be made for a maximum of one year.

g. Period of Annual Service

[The following was approved on May 4, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

Appointments may be made on either an academic- or fiscal-year basis. The duration of an academic-year appointment may be for all or any portion of the 9-month academic year beginning on August 16 and ending on May 15. The duration of a fiscal-year appointment may be for all or any portion of the fiscal year beginning on July 1 and ending on June 30. A fiscal-year appointment should be made for a full 12 months only if it meets the following criteria:

- I) The position has year-round responsibilities with the services performed being in demand 12 months per year.
- II) The need for the position is normally not

- A) dependent on the presence of students on campus;
- B) tied to the academic calendar;
- C) driven by seasonal factors such as weather.

III) The appointment must be justified by the workload and not simply by availability of funds.

h. Research Faculty

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) Research faculty positions are non-tenured, non-tenure track, term appointment positions that typically do not include direct teaching responsibilities or service duties. Salaries will ordinarily be funded from external research grants generated by the individuals themselves. Research may be completely independent or in collaboration with one or more faculty members on campus. These collaborators may support the candidate until external funding is secured, or during short gaps when funding is not available.
- II) Since these individuals will be on term appointment, the university is under no obligation to provide tenure. This policy is consistent with the AAUP which "makes no recommendation for a tenure policy for investigators who do not have regular academic appointments." Nor does promotion from one rank to another within this category involve granting of tenure.
- III) Each department or academic unit will establish a set of guidelines concerning qualifications for appointment, criteria for promotion, salary increases, access to departmental space and support funds, recommendations for service on and/or chairing of graduate student committees, and departmental voting privileges. These guidelines must be approved by the appropriate deans and vice chancellor. Graduate faculty status will follow established procedures.
- IV) Qualifications for appointment and promotion are the same as for standard tenure-track appointments with the following exceptions:
  - A) There is no requirement of teaching or service duties, although these activities may be carried out by mutual consent of the individual and the department.
  - B) Appointment and promotion will be made under the same guidelines as standard faculty positions, requiring approval of the departmental faculty, chair, dean, and vice chancellor (again with the proviso that no teaching or service duties are required). Cross appointments will require the approval of faculty, chairs, and deans of all units involved. Since the individual is expected to devote full-time duties to research, the standards for promotion in this area will be proportionately greater than for standard faculty with only partial research appointments. Promotion carries no tenure status.

- C) Since the individual is expected to secure external research funding, appointment will be on a temporary basis. Renewal will be denied if, in any consecutive 24-month period, the individual does not have one or more major external grants on which he/she serves as Principal Investigator or Co-Principal Investigator with direct costs in sufficient amount to provide for his/her salary as PI or co-PI.

- i. Transfers of Faculty To/From Administrative Positions

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) A staff member with a tenure rank at Southern Illinois University who has, or is to be assigned, an administrative payroll title is, after appropriate concurrence, to be assigned a monthly salary rate on a fiscal-year basis. This rate is to be based on the individual's experience and on the assigned administrative responsibilities and level of duties.
- II) A staff member holding a tenure rank and serving an administrative position on a fiscal-year basis is subject to reassignment to an academic-year appointment for teaching, research, or service duties within the university in the fiscal year following the period covered by the current notice of appointment, or during the current fiscal year if the reassignment is for cause. In cases of reassignment from the administrative position, either by request of the tenured faculty member or by administrative action, the following guidelines will pertain:
  - A) The monthly salary rate to be effective will be recommended by the appropriate administrative officers after consultation with the individual to be reassigned. The recommendation is subject to approval of the chancellor and ratification by the Board of Trustees.
  - B) In determining the amount of the monthly salary, the following will be considered:
    - 1) the nature of the reassignment position;
    - 2) the individual's experience, academic qualifications, service to the university, and similar factors;
    - 3) the salary range within the university for the academic rank within the school or college to which reassignment is made. (Little or no change in monthly salary is anticipated if the monthly salary is within the range for persons of the same experience, length of service, and academic rank within the university.)
  - C) Contractual agreements for appointment, reappointment, and change of appointment, must specify the following conditions:

- 1) that the salary and appointment is for the current assignment (the contract should state the rank and percentage of appointment in the academic department or unit); and
- 2) that should reassignment occur at the end of this appointment period or during this appointment period for cause, the monthly salary and terms of appointment will be negotiated following established guidelines.

j. Types of Appointment

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

The appointment of faculty or administrative/professional staff is one of the following three types:

- I) Tenured appointment. An appointment of a faculty member made pursuant to 2 Policies of the Board of Trustees, C.3.f.
- II) Continuing appointment. A continuing appointment, either faculty or administrative/ professional staff, is one which is automatically renewed each year unless the appointee is given notice as specified in the appropriate personnel policies (2 Policies A.4).
- III) Term appointment. A term appointment of a faculty or administrative/professional staff member is for a specified period of time. Term appointments may be renewed; however, reappointment to such a position creates no right to subsequent employment or presumption of a right to subsequent employment (2Policies A.15).

C. Development and Advancement

1. Civil Service

a. Employee Performance Evaluation

[The following was approved on April 19, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) Each employee's work performance is given a periodic, formal evaluation by the employee's immediate supervisor. The purposes of the evaluations are
  - A) to foster positive communication between employee and supervisor regarding the employee's job performance;
  - B) to encourage the employee and supervisor to cooperate in setting performance goals;
  - C) to provide a standard format for evaluating the employee's skill level, work quality, and productivity;
  - D) to identify those elements of job performance requiring improvement;and

- E) to establish an action plan describing training needs, promotion potential, and future career/professional development.
  - II) Formal evaluations are required 3 times during a 1-year probationary period, twice during a 6-month probationary period, and annually thereafter for permanent employees.
  - III) Annual evaluations will be conducted on the employee's anniversary date in class although supervisors may conduct additional performance evaluations during the year.
  - IV) At the time of the annual evaluation, the supervisor and employee should review and, if needed, update the employee's approved position description. Following the evaluation, both parties may meet to discuss the evaluation. All evaluations are reviewed by the department head.
  - V) The standard evaluation forms, which are sent by Human Resources to the employing departments, must, upon completion, be returned to Human Resources for inclusion in the employee's official personnel file. The employing department must provide each employee with a copy of his/her evaluation.
- b. Released Time for Testing, Interviewing, and Training

[The following was approved on May 23, 1996, with amendments on June 27, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) Released time may be granted to employees for testing or interviewing or participation in such university-sponsored training and development activities as will enhance the employee's effectiveness and productivity. In order to qualify for released time, the employee must provide appropriate prior notification and obtain the approval of the department supervisor. Released time for the above purposes shall not be charged to vacation.
- II) Employees being tested or interviewed for other positions on campus, preferring not to disclose the reason for the absence, may request the use of vacation.

## 2. Faculty and A/P

### a. Performance Appraisal of A/P Staff

- I) This procedure applies to all full- or part-time administrative/professional staff members regardless of the source of funding for their departments or programs.
- II) The job performance of administrative/professional staff members shall be evaluated through a process which seeks to make clear the employee's duties and responsibilities as stated in the position description; to give the employee an understanding of the supervisor's job performance expectations in light of those duties and responsibilities; to provide for regular communication between employee and supervisor about the

employee's performance of those duties and responsibilities; and to enable the employee to improve job performance and to develop professionally.

- A) Performance evaluations are normally based on the calendar year effort, with the evaluation process being conducted between January 1 and March 31 of the following year.
- B) During the first month of the evaluation cycle (normally in January), or within the first three months of employment, the supervisor will meet with the employee to review the position description, to communicate his/her job performance expectations, and to establish the optional performance factors which will be rated at the end of the evaluation cycle.
- C) The supervisor, in scheduling the conference to discuss the annual evaluation, will provide the employee with sufficient notice to prepare for the conference.
- D) The supervisor(s) who directly supervised the employee during the evaluation period will conduct the conference. The evaluation may contain input from others, including the supervisor's supervisor, and may also contain self-evaluation from the employee.
- E) Following the conference, the completed evaluation will be made part of the employee's permanent personnel file at Human Resources.

III) Since performance evaluations are based on duties and responsibilities contained in the position description, the supervisor and employee will periodically review the accuracy of position descriptions, updating them as needed.

b. Faculty and A/P Leaves/Absences

[The following was approved on May 23, 1996, with amendments on June 27, 1997, October 9, 1998, July 9, 1999, and September 20, 2000, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.] Per current Board Policy, the following was approved by the Chancellor of Southern Illinois University Carbondale on August 26, 2004.

I) Sick Leave

- A) Faculty and administrative/professional staff employees at Southern Illinois University Carbondale with continuing appointments and coaches with multi-year term appointments shall be granted both non-accruable and accruable sick-leave benefits. These benefits will be implemented in accordance with administrative guidelines authorized by the Chancellor of Southern Illinois University Carbondale and approved by the President of the Southern Illinois University System.
- B) Non-accruable sick-leave benefits will be granted to all faculty and administrative/professional staff on full-time academic- or fiscal-year appointments at the rate of 43 work days per contract year.



- C) Accruable sick leave will be awarded to faculty and administrative/professional staff with continuing appointments and to coaches on multi-year term appointments at the rate of 7.2 work days per contract year. Term appointment employees, with the exception of coaches on multi-year term appointments, shall be ineligible for accruable sick leave. Faculty or staff carrying split appointments (i.e., in part continuing and in part term) are eligible to accrue sick leave.
- D) Both the non-accruable and accruable sick-leave benefits for eligible part-time faculty and administrative/professional staff will be prorated in accordance with the percentage of time provided in the appointment.
- E) Sick leave for all eligible faculty and administrative/professional employees will be used in the following order:
  - 1) Non-accruable sick-leave days for the current fiscal year;
  - 2) Sick-leave days accrued before January 1, 1984;
  - 3) Sick-leave days earned and accrued after January 1, 1998;
  - 4) Sick-leave days accrued on or after January 1, 1984 but before January 1, 1998.
- F) Accrued sick leave is transferable within the Southern Illinois University system.
- G) Before sick-leave benefits are made available, the employee's supervisor or the Director of Human Resources may require documentation of an illness from a physician or other administratively acceptable proof.
- H) Employees may use their sick leave for personal illness or injury, for personal medical and dental appointments, for any approved family and medical leave, for the illness or injury of a member of the immediate family or household or additional bereavement in accordance with established policy. For these purposes, the immediate family is defined as spouse, domestic partner, child, parent, mother-in-law, father-in-law, stepparent, sibling, grandchild or grandparent. Household includes anyone maintaining a family relationship living in an employee's home.
- I) Pregnancy and related illnesses shall be considered by the university as any other medical condition and will merit leave consideration as such. Up to six weeks of sick leave may be taken for the medical condition resulting from a normal delivery. Use of additional leave necessitated by medical complications requires an order from the employee's physician.
- J) Sick leave must be exhausted before an employee can become eligible for SURS disability benefits.
- K) Upon termination of employment for any reason, an employee or employee's estate is entitled to be paid for one-half of the unused sick leave which was accrued on or after January 1, 1984 and before January 1, 1998, except as limited by Illinois statute pertaining to the transfer or

reemployment of State of Illinois employees to other state institutions or agencies.

II) Vacation

- A) Members of the faculty who hold nine-month academic appointments shall not be eligible to earn or accrue vacation benefits. For such faculty, the time in the calendar not covered by the contract period of annual service constitutes a vacation period.
- B) The following policy shall govern vacation benefits for faculty and administrative/professional staff on fiscal-year appointments:
  - 1) Vacation for faculty and administrative/professional staff employees on fiscal-year appointments shall be earned at the following rates:

<b>Years of Employment</b>	<b>Days Earned</b>	<b>Monthly Accrual Rate</b>	<b>Maximum Accrual</b>
0-3	25	2.083	50
4-6	26	2.166	52
7-9	27	2.250	54
10+	28	2.333	56

Part-time employees in fiscal-year appointments shall earn vacation in accordance with the proportionate rate of the contract.

- 2) Employees in continuing fiscal-year appointments and coaches on multi-year term appointments may accrue up to two years vacation credit, but no additional accumulation will be credited to their account whenever a two-year maximum is accrued.
- 3) Employees in fiscal-year appointments may use all or part of their earned or accrued vacation prior to entering a disability leave or absence without pay. Unused accrued vacation benefits will be retained on university records pending the employees' return to pay status.
- 4) Vacation is not earned during a period of sabbatical leave or professional development leave or leave without pay.
- 5) In the event a change of status occurs, such as resignation, layoff of undetermined duration, termination, death, or retirement, the

employee's payroll records will be closed and a lump sum payment of all earnings and accrued and unused vacation must be made, except as limited by Illinois statute pertaining to the transfer or reemployment of State of Illinois employees to other state institutions or agencies.

- 6) Employees in term, fiscal-year appointments, with the exception of coaches on multi-year term appointments, must use the vacation benefits during the period of appointment or the benefit will be lost to the employee. Should death occur during a term fiscal-year appointment, earned but unused vacation benefits will be paid in a lump sum.
- 7) Employees whose continuing fiscal-year appointments have been converted to term appointments may maintain such vacation accruals as were earned in the prior fiscal-year appointment but are subject to paragraph f above with respect to vacation earned during subsequent term appointments.
- 8) Employees who are in term fiscal-year appointments on a temporary basis and who retain continuing fiscal appointment status are not subject to paragraph f and will accrue vacation as indicated in paragraph b above.
- 9) Employees who are in a term appointment may accrue vacation and sick benefits commensurate with employees on a continuing appointment at the discretion of the Chancellor.

### III) Personal Leave

- A) A leave without pay may be granted for a number of reasons:
  - 1) acceptance of a visiting appointment at another college or university, a fellowship or
  - 2) scholarship for advanced study, an opportunity to travel and/or engage in research, or
  - 3) any number of other personal reasons which would require absence from the campus for an extended period.
- B) Only members of the faculty or administrative/professional staff who are on continuing appointment are normally eligible to receive an extended leave without pay. This type of leave shall not be granted to any employee who has accepted a bona fide, continuing position elsewhere.
- C) The regular appointment status of an A/P staff employee shall not be affected by such leave of absence, unless the employee and supervisor establish in writing mutually agreeable terms of leave.
- D) Upon return from such leave, the employee shall be restored to the position (s)he held immediately prior to the leave with all previously

accrued rights, salary, and benefits. The right to return from a leave cannot extend beyond the term of the contract from which the leave is taken. Salary increases that occur among A/P staff in the employee's absence are not automatically extended to an employee on an unpaid leave of absence. The supervisor will determine whether or not a salary increase is justified at the return of the staff member from an unpaid leave of absence, and shall be contingent upon availability of funds. The A/P employee taking leave without pay is responsible for contacting Employee Benefits to arrange for personal payment or termination of employee benefits during the leave of absence. Vacation and sick leave benefits do not accrue during the period of leave, and granted leave will be prorated and adjusted as applicable.

- E) Leaves without pay for educational purposes are granted by the department, with dean and provost approval, and must be based upon clearly documented educational benefit to the university.
- F) Personal leaves without pay must be approved by the fiscal officer, dean or director, and the appropriate vice chancellor.
- G) A leave without pay will normally be granted for a period of no longer than one year (9 months if on an academic-year appointment, 12 months if on a fiscal-year appointment). A second year may be approved based on the following guidelines:
- H) any desired change in the conditions of an approved leave without pay must be submitted in writing by the individual to the department head or supervisor at least 3 months prior to the end of the approved leave. A response indicating either approval or denial of the request must be made by the university within 30 days of the receipt of the request;
- I) any desired change in the conditions of a leave without pay will only be approved if it is in the best interest of both the individual and the university. In the case of faculty, periods of leave without pay do not count toward the minimum years of service required for a sabbatical leave, but do account in the accumulation of service towards tenure.

#### IV) Professional Development

A faculty or administrative/professional staff member of Southern Illinois University Carbondale shall be eligible, subject to the conditions of this policy, for professional development leave(s) with pay. All leaves approved hereunder are tentative until ratified by the Board of Trustees (2 Policies B.2.e.)

##### A) Leave of Absence

- 1) Professional development leave will be considered when demonstrable benefits would accrue to the employee and the university by the grant of such a leave. Such benefits may include, but are not limited to, increasing the effectiveness or efficiency of the

higher education processes of the university; improving the professionalism of the employee in the performance of assigned responsibilities; and retraining and reorienting employees for new roles within the university.

- 2) The length of a professional development leave with pay shall be determined by legitimate requirements of a proposal submitted, but shall not exceed a maximum of one calendar year.
- 3) Application for professional development leave must include a precise statement indicating the purpose of the leave and the benefits to be derived therefrom. Application for professional development leave shall be submitted, in the case of faculty members, to the department chair, the dean or comparable administrative officer, and the appropriate vice chancellor. Application for professional development leave shall be submitted, in the case of administrative/professional staff members, to the immediate supervisor of the employee, the dean (if appropriate), and the appropriate vice chancellor, or the chancellor for those employees not reporting to a vice chancellor.
- 4) The application shall include a statement describing the applicant's obligation, if granted the leave, to return to the university for a period of service as follows: in the case of a sabbatical leave - one year following the conclusion of the leave; in the case of a professional development leave - a period equal to the length of the leave. A staff member who fails to return following the leave or who fails to serve the full period as described above must reimburse the university for a percentage of salary equivalent to the percentage of time remaining in the obligated period of service.
- 5) A written report summarizing what was accomplished during the leave shall be submitted to the appropriate vice chancellor or the chancellor, as applicable, within six months following the completion of a professional development leave.
- 6) A recipient of a professional development leave shall be permitted to receive additional financial assistance from sources other than the university, provided that specific arrangements concerning such assistance have received administrative approval by the chancellor prior to the granting of the leave.
- 7) Individual leaves awarded under this policy shall be reported to the Board of Trustees for ratification along with the other personnel matters.
- 8) A faculty or administrative/professional staff member on a fiscal year appointment and approved for professional development leave is not

eligible to accrue vacation during the period of the leave. The individual is expected to take vacation during the leave in accordance with university vacation policy for fiscal-year employees.

B) Release Time with Pay

[In accordance with the authorizing statement in 2 Policies B.2.e. of the Southern Illinois University Board of Trustees, the following policy on release time with pay for SIUC administrative/professional staff was approved on September 20, 2000.]

- 1) Released time with pay may be granted to administrative/professional staff for participation in professional development activities, which are mutually beneficial to the university and the employee. Released time would normally be used for activities of brief duration or occurring intermittently over a longer period of time. Activities covered by this policy are those not requiring a leave of absence. Such activities include but are not necessarily limited to attendance at professional meetings, fellowships, internships, research work, and continuing education.
- 2) In order to qualify for released time, the employee must provide a written statement documenting the need for the released time, i.e., the professional activity to be pursued, the expected duration of the activity and the recommended nature of relief from specified assignments. Examples of ways such relief may be provided include reassigning duties within the unit, extending deadlines, and/or hiring temporary staff. Written approval of the department supervisor for the use of released time is required. The approval will include a statement regarding the relief from specified assignments that will be provided.
- 3) Approved use of released time shall not be charged to vacation, but shall be reported on the Absence Request form as "university business."

V) Sabbatical Leave

[In accordance with the authorizing statement in 2 Policies C.3.b.5. of the Southern Illinois University Board of Trustees, the following policy on sabbatical leaves for SIUC faculty was approved on December 11, 1980, with revisions approved by the President on January 28, 1986.]

A faculty member of Southern Illinois University Carbondale shall be eligible for sabbatical leaves with pay, subject to the conditions of the following policy. All sabbatical leaves approved hereunder are tentative until ratified by the Board of Trustees (2 Policies B.2.e).

- A) A sabbatical leave program is essential to provide opportunities for continued professional growth and development of the faculty and to insure that the academic vitality of the university is maintained. The plan for a sabbatical leave should include such activities as course development, research, additional study, and preparation in new or different fields, any of which pertain to projects that relate to the educational mission of the university and to the professional development of the faculty member.
- B) A full-time, tenured member of the academic faculty may be granted two types of sabbatical leave:
  - 1) Full sabbatical option: At the end of six years of service from the initial date of full-time appointment or six years of service from the termination date of a previous sabbatical leave, the faculty member is eligible for a full sabbatical. A full sabbatical may be granted
    - a) at full pay for 4 1/2 months for faculty on academic-year appointment and for 6 months for faculty on fiscal-year appointment; or
    - b) at half pay for a calendar year for faculty on academic- or fiscal-year appointment. A calendar year is considered to run from the beginning of the fall or spring semester to the beginning of the following fall or spring semester, respectively; or from the end of the fall or spring semester to the end of the following fall or spring semester, respectively; or for a 12-month period, generally but not necessarily, commencing on July 1 and concluding on June 30 of the following year.
  - 2) Partial sabbatical option: At the end of three years service from the initial date of full-time appointment or three years from the termination date of a previous sabbatical leave, a faculty member is eligible for a partial sabbatical leave. A partial sabbatical leave may be granted for 4 1/2 months for faculty on academic-year appointment and 6 months for faculty on fiscal-year appointment at half pay.
- C) All time spent on unpaid leaves of absence shall be excluded in the calculation of sabbatical eligibility.
- D) Applications for sabbatical leave are to be submitted by the department chair to the dean of the college or school and by the dean to the Vice Chancellor for Academic Affairs and Provost, in accordance with the time schedules established in the Planning Calendar. Each application (four copies) is to be supported with a detailed statement to show it is for professional improvement of the faculty member and is likely to contribute to the university's academic excellence. When submitted to the vice chancellor, the applications for sabbatical leave should be

accompanied by a listing from the dean of the priority order of the applications.

- E) A recipient of a sabbatical leave is permitted to receive additional financial assistance from sources other than the university, provided the specific arrangements have received administrative approval. Sources other than the university shall, for the purposes of this paragraph, include externally funded grants, contracts, and fellowships awarded to the university for support of the plan of the recipient's sabbatical leave. However, during the period of sabbatical leave, a faculty member shall engage in salaried work for another employer only with the prior approval of the chancellor or the Vice Chancellor for Academic Affairs and Provost.
- F) The application shall include a statement describing the applicant's obligation, if granted the leave, to return to the university for a period of service as follows: in the case of a sabbatical leave - one year following the conclusion of the leave; in the case of a professional development leave - a period equal to the length of the leave. A staff member who fails to return following the leave or who fails to serve the full period as described above must reimburse the university for a percentage of salary equivalent to the percentage of time remaining in the obligated period of service.
- G) A written report by the faculty member summarizing what was accomplished during the leave shall be submitted to the department chair, the dean, and the Vice Chancellor for Academic Affairs and Provost within one semester following the termination of the leave.
- H) If a sabbatical leave is granted for a full year at half pay, a temporary replacement may be authorized to the department within the budgetary constraint of the half salary of the sabbatical leave request. If a sabbatical leave is granted at full pay, a replacement is not authorized, and the department is expected to absorb the work load.
- I) A faculty member appointed on a fiscal-year basis, and approved for a sabbatical leave, is entitled to vacation time based on his/her period of campus service only.
- J) During an educational leave without pay and personal leave for medical reasons, the state continues to pay the employer's portion of the State of Illinois Group Insurance premiums. For all other forms of personal leave employees may elect either to continue health and life insurance at their own expense or to terminate the benefits for the duration of the leave. In the latter case, they must reapply for health benefits for dependents at the end of the leave, providing proof of insurability at that time. Employees may elect to contribute to the State Universities Retirement System during personal leave. If they choose not to do so, they may purchase that credit at a later date, prior to retirement. Disability, death,



and survivor coverage is provided to employees on unpaid leave even if they do not pay contributions to SURS during that time.

- K) Faculty who apply for and receive a full-pay, 4 1/2 month sabbatical may apply for a six-week extension to be taken during the summer. Guidelines for applying for a sabbatical extension are distributed each fall by the Vice Chancellor for Academic Affairs and Provost.

c. Promotion Policies and Procedures for Faculty

[The following was approved on December 31, 2016, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) Southern Illinois University is a comprehensive university; therefore, it is essential that its faculty be dedicated to achieving excellence in teaching, research/creative activity, and professional contributions to preserve and strengthen the vitality of the University. Academic promotion is awarded to those faculty making continuing contributions in these areas. The preservation of quality requires that all persons recommended for promotion clearly satisfy the general criteria presented herein. Fairness requires that these criteria be applied as uniformly as possible.
- II) A basic format for promotion dossiers will be given to collegiate deans for distribution through department chairs to faculty members eligible to be considered for promotion. A common format for presenting the supporting information will help assure fairness in the decision-making process. As promotion requires that a person's entire professional contribution be reviewed, the format calls for information on educational background, previous academic and professional experience, teaching and advising activities, scholarly contributions, and service activities. Some academic units may wish to add special categories.
- III) A faculty member will be evaluated for promotion in any year at his/her request. A tenured faculty member below the rank of professor must have his/her dossier submitted for review by the basic academic unit at least every five years unless the faculty member requests in writing that it not be reviewed. A more frequent review of faculty performance for purposes of promotion is strongly encouraged.
- IV) The faculty member should assist in the preparation of his/her dossier. The faculty member should be allowed to submit whatever he or she considers relevant to promotion in addition to any information or material required by university, collegiate, or departmental policies.

A) General Criteria

- 1) Teaching: The first step in promotion is an evaluation of teaching effectiveness. Only after an affirmative judgment as to teaching effectiveness has been made can serious consideration be given to an evaluation of scholarship and professional service. Unless a determination is made that the candidate is an effective teacher,

whether at the departmental or interdisciplinary level, promotion will not be granted. Teaching includes an up-to-date knowledge of one's discipline. In some instances teaching may be indirect, primarily in support of student learning activities. Faculty members also influence teaching by designing courses and curricula. Textbooks and innovative instructional material may be considered contributions to teaching. In addition, faculty members influence teaching in less tangible but no less decisive ways through such activities as counseling students, through conversations with colleagues, etc.

- 2) Detailed and specific evidence of effective teaching should be included in the dossiers of faculty members being recommended for promotion. Evidence should include peer evaluations and student evaluations conducted over a reasonable period of time. Faculty colleagues should be asked to evaluate the objectives, methods, and materials of courses designed and/or taught by the individual. Evaluations of teaching effectiveness should also be drawn from faculty who have taught with the individual or have frequently observed classes taught by the individual. Wherever possible, evaluation should also include evidence concerning the continuing performance of students taught by the candidate.
- 3) Research/Creative Activity: Research and creative activity are those activities which serve to advance the discipline or the state of the art. Evidence of research and creative activity, essential for promotion, include written publications, nonprint presentations, funded grant applications, exhibits, artistic performances, and the like. Textbooks and innovative instructional materials having significant value beyond this campus may be considered contributions to research/creative activity. The dossier of an individual should provide substantiating evidence submitted by qualified observers within or outside the University, e.g., reviews of the candidate's books, artistic performances, etc. If the candidate's field is one in which no colleague has expertise, it is essential that outside review of the candidate's scholarly activities be sought.
- 4) Professional Contributions: Faculty members are expected to make professional contributions through service to the department, the college, the university, and the discipline at large. The last item includes discipline-related community service. Professional services may include paid or unpaid consulting work. Administrative and professional work on behalf of the department or the university, for which there is no specific compensation or assignment, may be regarded as service. It is desirable that an evaluation by qualified individuals indicating the quality and extent of the service rendered be submitted with the promotion dossier.

## B) Minimum Standards for Academic Ranks

Each basic academic unit and collegial unit may have requirements defined for each rank which exceed those of the university. The minimum university requirements for each academic rank are given below.

- 1) Assistant Professor: Promotion is not possible from any of the non-tenurable ranks, except as provided under the policy on Appointment of Faculty Contingent on Completion of Academic Requirements.
- 2) Associate Professor: Promotion from the rank of assistant professor to the rank of associate professor requires 1) a demonstrated record of effectiveness as a teacher; 2) a record of peer-reviewed publication and/or peer-reviewed creative activity which has contributed to the discipline or field of study, to the candidate's intellectual/artistic development, and to the quality of the academic unit; 3) a record of professional service appropriate to the discipline, the academic unit, and where possible, the college and/or the university; and 4) promise of growth in teaching and research or artistic/creative activity.
- 3) Professor: For promotion to the highest academic rank, the candidate's academic achievements and professional reputation should be superior. This rank can be earned only by the faculty member who has demonstrated continued growth in, and has a cumulative record of, teaching effectiveness, substantial peer-reviewed publication and/or peer-reviewed creative activity, and professional contributions and service.

## C) Decision-Making Process

Throughout the promotion review process, evaluation decisions shall be made in a deliberate and thoughtful manner and shall be founded on a full and fair consideration of all the factors pertinent to the promotion decision.

- 1) Originating Academic Units: Recommendations for promotion originate with the basic academic unit. Each unit shall develop written procedures to be utilized in promotion considerations. Each basic academic unit shall also develop specific written standards for promotion to each professorial rank, which reflect its mission and at the same time meet university criteria. These procedures and standards must have the approval of the dean and the Provost and Vice Chancellor. Subsequent changes in approved standards or procedures must similarly be approved. After written standards for promotion have been ratified by the academic unit, the dean, and the vice chancellor, the primary responsibility of evaluating individual promotion requests in terms of those standards shall be assigned to the faculty in the academic unit(s) in which the request for promotion

is made. Once the faculty has made its evaluation and recommendations, the results should be reversed only for reasons which are stated in detail, showing evidence of deliberate and thoughtful review derived from a full and fair consideration of the promotion case.

- a) Basic academic unit procedures should identify the nature and composition of promotion committees. Procedures should also allow for a formal vote of "appropriate faculty members" for the promotion committee's consideration in a given promotion decision. At a minimum, the "appropriate faculty members" for the formal vote shall include all professors who hold tenured appointments for promotion to the rank of professor, all professors and associate professors who hold tenured appointments for promotion to the rank of associate professor. Academic units may decide that non-tenured faculty holding the rank for which a candidate is being considered should also participate in formal votes regarding any or all ranks.
- b) In transmitting the department's recommendations to the dean, a department chair must indicate who has been consulted, the form of the consultation, the vote of the appropriate faculty member group, and the vote of any departmental committee charged with recommending promotion. The recommendations of the department chair shall be reported to the faculty of the academic unit. The written recommendation of the department chair shall be provided to the candidate. All dossiers reviewed by the department shall be forwarded to the dean. Faculty members may request in writing that their dossiers be withdrawn from further consideration.
- c) The department chair shall, in cooperation with the candidate, prepare and forward a formal promotion dossier to the dean. Included in the dossier, at the time it is forwarded, should be a statement signed by the candidate that he or she has reviewed the contents of the dossier. Once the dossier leaves the academic unit, no further information should be added to the dossier other than that required by collegial procedures with regard to the review committee's and the dean's recommendation.
- d) At Southern Illinois University Carbondale it is not possible to hold different academic ranks in different units. Therefore, for faculty members who hold half-time (50/50) appointments in two academic units, the recommendation for promotion must be a joint submission of both units concerned and the promotion recommendation shall be considered to be positive only if both

units make positive recommendations. Promotion recommendations must be processed according to the regular procedures of both units. It is incumbent upon the department chairs of both academic units to insure initiation of the review process.

- e) If a faculty member holds less than a half-time appointment in one academic unit and more than a half in another academic unit, promotion recommendations shall be made by the academic unit where the major responsibility lies. It is this academic unit's responsibility to originate consideration of promotion and to inform the secondary unit of its intent. For these unequal joint academic appointments, promotion recommendations must be processed according to the regular procedures of both academic units (except in the case of zero fiscal line appointments). However, while the secondary area must process the candidate according to its normal procedures, the outcome of its deliberations shall be provided to the primary academic unit. The primary unit shall take into consideration the secondary unit's opinion and shall include it as part of the dossier. In the case of zero fiscal line appointments, the secondary unit shall not participate in the promotion process.
- f) In the case of a faculty member who has administrative or other non-faculty duties outside the academic unit in which he or she holds rank, the academic unit has the responsibility for originating promotion recommendations. Candidates holding such joint appointments shall meet the same standards required of other faculty members of a similar rank within the department. The administrative officer in the other administrative unit in which duties are performed should be consulted by the department chair. A letter should be solicited from such an administrative officer for the dossier, detailing and evaluating the administrative or other duties performed.
- g) An academic unit may be too small to provide adequate review. In such cases, the department chair in consultation with the dean shall seek the advice of an executive committee or other college-wide body, or may appoint an appropriate ad hoc committee for review of a specific case. If this is done, the composition of the committee and its recommendations must be reported in the final recommendation to the Provost and Vice Chancellor.
- h) In addition to the required consultation with faculty members of senior rank within the academic unit and the joint consideration of joint appointments, originating academic units are urged to

consult with others who may have special knowledge of the performance of candidates and to solicit letters from such persons for the dossier. Examples of such persons include faculty members from other academic units when candidates under consideration have taught a number of students from those units, or who have served on a number of doctoral committees in those units, or have engaged in interdisciplinary teaching or research with members of those units. It is also appropriate to solicit letters from administrative officers in various parts of the university concerning service by the candidate to those units.

- i) If reviews of the candidate's work are solicited from outside sources (see section I.B of Promotion Policies and Procedures, above, regarding general criteria for soliciting such reviews), the manner in which the department selects reviewers shall be in accordance with procedures described in the departmental Promotion and Tenure Guidelines. Those procedures must provide the candidate an opportunity to comment on the suitability of particular reviewers. Departmental guidelines shall provide for the selection of objective and disinterested reviewers by requiring disclosure of any personal or professional relationship with the candidate or other departmental faculty. As a general rule, all solicited letters of review should be included in the dossier, but the department Promotion and Tenure Guidelines may contain specific criteria under which certain solicited letters of review should be excluded. Reviewers should be asked to comment on any or all of the candidate's record including, but not limited to, the merit of published research or creative products, of service to professional or other organizations, of teaching in a visiting capacity in another university. Reviewers should not be asked "Does this individual merit promotion?" since the definition and application of standards at Southern Illinois University Carbondale are the responsibilities of this university.
- 2) Collegiate Review: It is the responsibility of the dean to recommend either positively or negatively on all promotion recommendations forwarded by the department chair. The dean shall forward to the Provost and Vice Chancellor all recommendations, together with a statement indicating the reasons for the recommendations. In all cases, a copy of the dean's written recommendation shall be forwarded to the department chair and the candidate. A faculty member may request in writing that his/her dossier be withdrawn from further consideration. In the process of reviewing the recommendation, the dean is encouraged to seek formal advice of an executive committee or other appropriate college-wide committee. In

making a recommendation to the Provost and Vice Chancellor, the dean shall specify the nature of the report and the vote of such a committee.

- 3) The Review by the Provost and Vice Chancellor: It is the responsibility of the Provost and Vice Chancellor to receive recommendations regarding promotion, to review them with respect to the academic unit, college or school, and university standards, and to approve or disapprove all recommendations received. After such review, the Provost and Vice Chancellor will meet with each dean to discuss that dean's recommendations. If the Provost and Vice Chancellor does not concur in the dean's recommendation, the vice chancellor shall submit a written statement to the dean, with copies to the department chair and the candidate, explaining the reason for the disagreement.

D) Documentation

- 1) Materials to be Provided by the Candidate to the Academic Unit
  - a) Appropriate supporting materials that cannot be provided from academic unit files.
  - b) All materials required by the academic unit's procedural guidelines.
- 2) Materials to be Provided by the Department Chair to the Dean
  - a) A separate letter concerning each candidate, giving the following information:
    - (I) (A) Department chair's evaluation of candidate's
      - (A) Teaching
      - (B) Research/creative activity, and
      - (C) Professional service
    - (II) The vote of appropriate faculty members.
    - (III) The vote of any departmental committee making recommendations to the department chair.
    - (IV) A summary of the procedures followed by the academic unit in evaluating the candidate.
  - b) Complete dossier of the candidate organized in the format given in Section V. Copies of publications, works of art, etc. shall be included only if specifically requested by the dean.
- 3) Materials to be Supplied by the Dean to the Office of the Provost and Vice Chancellor

- a) A cover letter summarizing collegial procedures
- b) The dossiers of all candidates
- c) Recommendations of any college-wide review committee, including the vote of such a committee
- d) A letter of recommendation by the dean for each candidate.

d. Tenure Policies and Procedures

[The following was approved on December 11, 1980, and amended most recently on December 31, 2016, in accordance with provisions set forth in SIU Board of Trustees 2Policies C.3.f.]

I) Tenure Definitions

- A) Purpose: Through academic tenure the University finds one important means for protecting academic freedom and for providing continuing employment in a tenureable academic rank.
- B) Duration: Tenure extends from the date of its award to the date of retirement. Tenure may be abrogated only by resignation, retirement, or under such conditions as specified herein.
- C) Eligible Academic Ranks: Members of the faculty with the rank of professor, associate professor, and assistant professor are eligible for tenure. One may not attain tenure in such positions as research associate, researcher, lecturer, assistant instructor, instructor, or in any clinical, adjunct, or visiting rank.
- D) The Locus of Tenure Within the University: The locus of tenure within the University is in the academic unit(s) from which the recommendation for tenure originates. The tenure recommendation must be initiated by a basic academic unit (department, division, or school) which has been approved by the Board of Trustees (see list at conclusion of policy).

II) Non-Tenured Faculty Appointments

- A) Term Appointment: A term appointment is employment for a specified period of time. Instructors and all non-tenureable faculty appointees shall be given a statement in writing of the conditions and period of their employment. Term appointments may be renewed; however, reappointment to such a position creates no right to subsequent employment or presumption of a right to subsequent employment.
- B) Continuing Appointment: Continuing appointees are serving in a probationary status leading to the possible awarding of tenure. A continuing appointment may only be awarded to faculty in the ranks of assistant professor, associate professor, and professor. A continuing appointee is automatically reappointed each academic year unless given appropriate notice (see Section II. C). The faculty member thus notified is entitled upon request to a written statement of the reasons for non-



reappointment. All continuing appointees are subject to annual adjustments regarding salary and other conditions of employment.

- C) Notice of Non-reappointment: Term appointments expire at the end of the term stated in the notice of appointment, and no separate notice of non-reappointment will be given such appointees by the University. Notice of non-reappointment of non-tenured faculty on continuing appointments shall be given in writing in accordance with the following schedule:
- 1) not later than February 15 of the first academic year of service, if the appointment expires at the end of that year; or at least three months in advance of its termination, if the first year appointment expires other than at the end of the academic year;
  - 2) not later than November 15 of the second academic year of service, if the appointment expires at the end of that year; or at least six months in advance of its expiration, if the second year appointment expires other than at the end of the academic year;
  - 3) at least one year before the expiration of an appointment after two or more years in the University;
  - 4) notwithstanding the above provisions, no notice of nonreappointment need exceed the length of the appointment.
  - 5) On and after the date of the notice of non-reappointment, the addressee of said notice shall hold his/her position under the conditions pertaining to term contracts.

### III) Tenured Faculty Appointments

- A) Tenured Appointment: A tenured appointment assures the right of the faculty member to the permanent holding of an academic position of employment. The tenured faculty member's contract, however, is subject to annual adjustments regarding salary, rank, and the conditions of employment.
- B) The Basic Academic Appointment: Tenure applies only to a basic nine-month appointment each year. Tenure does not apply to administrative positions. If faculty members holding such positions have tenure, it is held in accordance with their appointments in academic units. An academic unit with authority to initiate tenure recommendations may recommend for tenure an administrator who does not hold full-time appointment in that unit.
- C) Continuous Full-Time Appointment:
- 1) Tenure applies only to continuous full-time appointment in the academic units which have the authority to initiate tenure recommendations except as noted in III. B and III. D.

- 2) Credit toward the fulfillment of any probationary period applicable to the attainment of tenure may not be earned except through continuous full-time appointment for the basic appointment period each year, or fraction counting as a year (see Article IV. E).
  - a) Joint Appointment: A faculty member who holds a 50/50 joint appointment in two academic units may achieve tenure in the joint position. If one of the units refuses to recommend tenure upon expiration of the probationary period and renders due notice, tenure shall not be awarded unless the faculty member is given full-time employment in the academic unit that desires to recommend tenure. In a joint appointment other than 50/50, tenure may be achieved only in the unit where an appointment larger than 50 percent is held. That unit must then be prepared to absorb the remainder of the faculty member's appointment if the faculty member relinquishes, or is asked to relinquish, the appointment that is less than 50 percent.
  - b) Transfers from One Position to Another: If a tenured faculty member transfers entirely from one academic unit to another, the faculty member's tenure shall be transferred to the second unit, and that faculty member's tenure will be removed from the first unit. In such instances, the transfer of the faculty member with tenure cannot be effected without the agreement of the second unit. In the transfer of tenured faculty into joint appointments, the locus of tenure need not change. However, where the transfer produces a 50/50 joint appointment, tenure may either remain with the first unit; or the second unit may recommend tenure for that faculty member, thereby producing a jointly-tenured appointment, as explained in III. D. If the transfer is from a 50/50 joint appointment to a joint appointment other than 50/50, tenure will be relinquished in the minor appointment and transferred entirely to the major appointment. In all transfers from one unit to another, the faculty member and the units affected by the transfers must be in agreement.
  - c) Restructuring of Basic Academic Units: If a basic academic unit is merged with another academic unit or reorganized into a new unit, the tenured faculty in that unit shall not lose their tenured appointments because of such reorganization. The locus of tenure for these faculty shall be in the new or merged unit.

#### IV) Tenure Schedule

- A) Professor: At the end of a two-year probationary period an untenured professor must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the

third year. A professor who has served previously as associate professor at the University shall have tenure from the date of appointment to the rank of professor. The basic academic unit may recommend tenure at the time of the initial appointment of a professor.

- B) Associate Professor: At the end of a four-year probationary period an untenured associate professor must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the fifth year. An associate professor who has served previously as assistant professor at the University shall have tenure from the date of appointment to the rank of associate professor.
- C) Assistant Professor: At the end of a six-year probationary period, an untenured assistant professor must be notified in writing either that tenure has been awarded or that the appointment will not be renewed at the end of the seventh year. If an assistant professor has served previously as an instructor at the University under a contingency appointment (see policy on Appointment of Faculty Contingent on Completion of Academic Requirements), that year will not be considered as part of the probationary period.
- D) Early Tenure Decision: The initiation of any tenure recommendation before the full probationary term ends must be made by the faculty member. The decision emanating from such a request shall be considered as final. If the decision is negative, the faculty member will be notified in writing that the following contract year will be terminal. A negative decision for promotion to the associate professor or professor rank before the end of the probationary period shall not be considered as a negative tenure decision.
- E) Extension of Probationary Period: Under circumstances of an exceptional nature, an untenured assistant professor may apply for an extension of the tenure probationary period. The application must be made before the fifth year of the probationary period begins, and it must provide the reason for the request and evidence that the faculty member has to date made satisfactory progress toward tenure. The application will be reviewed by the department chair whose recommendation will be forwarded to the dean. The dean will make his/her recommendation to the Provost and Vice Chancellor, who will have final authority. In the case of the School of Medicine, the dean will make his/her recommendation to the Chancellor. If the application for extension is denied, the faculty member may then follow the established grievance procedure.
- F) Computing Years of Credit Toward Tenure: In order to facilitate the administration of tenure review procedures, there shall be a common tenure anniversary date of May 15 for all tenure-eligible academic appointments. This tenure anniversary date will not necessarily coincide with the faculty member's date of initial appointment. A year of credit toward tenure is earned in any year in which a tenure-eligible faculty

member has a full-time active employment status (including leaves of absence without pay) for no less than six months between July 1 and June 30. The time spent on sick leaves and disability leaves of absence will not be considered as part of the probationary period.

V) The Tenure Decision Process

- A) **Criteria and Standards:** University-wide standards require that the candidate for tenure demonstrate qualifications essential to the mission of the unit to which the candidate is assigned. It is expected that these qualifications will encompass teaching, research/creative activity, and service.
- B) **Guidelines:** Individual academic units and colleges shall translate these standards into guidelines appropriate to their disciplines. The unit shall certify such qualifications and the suitability of permanent assignment of the candidate to the unit by majority vote of the tenured faculty. Tenure shall be considered separately from promotion, although the unit may consider the qualifications for promotion as concomitant with those for tenure. It shall be the responsibility of the Provost (for the Medical School) and the Provost and Vice Chancellor to approve these standards and guidelines and to monitor their application.
- C) **Information Regarding Criteria, Standards, and Guidelines:** It is the responsibility of the school or college dean to insure that all newly-appointed faculty are explicitly apprised of the criteria, standards, and guidelines of the University, college, and academic unit in which they have been appointed.
- D) **Annual Performance Evaluation:** All non-tenured faculty in tenurable ranks must be evaluated annually and informed regarding their professional performance. This evaluation shall be the responsibility of the academic unit chair and dean, and it shall be made with regard to the criteria, standards, and guidelines cited in V. A and B. In addition, this evaluation shall include a statement of the programmatic needs of the college and academic unit relative to the faculty member under review.
- E) **Procedures for Review of Qualifications for Tenure:** Throughout the tenure review process, evaluation decisions shall be made in a deliberate and thoughtful manner and shall be founded on a full and fair consideration of all the factors pertinent to the tenure decision.
  - 1) **General Procedures:** Primary responsibility for evaluation of the academic qualifications of candidates for tenure rests with the faculty. Where the organization permits, there are three sequential levels in the tenure review process: peer review in the basic academic unit; review at the school or college level; and review by the appropriate central academic officer (Provost and Vice Chancellor; Provost for the Medical School). Review procedures should be developed in writing for each level of review, and these procedures

should be made known to prospective and current faculty members, as well as to the general University community. These procedures should reflect the organizational arrangements of each academic unit and school or college.

- 2) **Basic Academic Unit:** In conducting reviews at the basic academic unit level, all tenured faculty shall have an opportunity to vote on a tenure decision, and only tenured faculty should vote on the decision. Once the faculty has made its evaluation and recommendations, the results should be reversed only for reasons which are stated in detail, showing evidence of deliberate and thoughtful review derived from a full and fair consideration of the tenure case. In addition, a negative tenure vote by a majority of the tenured faculty of a basic academic unit cannot be overruled except in cases of failure to observe the standards or of demonstrated discrimination. The chair is responsible for making an independent tenure recommendation to the dean, but the votes of the tenured faculty and of any special review committee are to be forwarded with the chair's recommendation, along with appropriate documentation in the tenure dossier. This process shall also be observed where an untenured assistant or associate professor is being recommended for promotion since such recommendation implies the conferring of tenure.
  - 3) **College Review:** Each college should have a tenure review committee consisting of tenured faculty. This committee should review basic academic unit recommendations for tenure in terms of unit and college standards. The committee will forward its recommendations to the college dean, who will be responsible for all tenure recommendations emanating from the college. These recommendations, with accompanying documentation, will be forwarded to the appropriate academic officer (Provost and Vice Chancellor or Provost for the Medical School).
  - 4) **University Review:** The appropriate central academic officer (Provost and Vice Chancellor or Provost for the Medical School) shall review all tenure recommendations from the deans in terms of department, college, and University-wide standards. The final recommendation on tenure will then be forwarded from the Chancellor's office to the Board of Trustees, for ratification by the Board.
- F) **Deliberate Implementation:** Tenure may be awarded only after deliberate implementation of the described procedures in conformance with the criteria contained in this document.
- G) **Discrimination:** All tenure judgments and recommendations rest upon objective requirements in relationship to the ability of the faculty to perform their work effectively, with such judgments and

recommendations being made without regard to race, religion, sex, age, national origin, marital status, physical impairment, sexual orientation, or relationship to other university employees.

#### VI) Termination of Appointments of Tenured Faculty

- A) Termination of the appointment of a tenured faculty member may take place only for
- 1) Adequate Cause: Termination of appointment for adequate cause shall be related to the behavior and performance of the faculty member in their professional capacity. This refers to such matters as unethical conduct, incompetence, failure to perform reasonable assignments, or for neglect of duty. Appeals of termination of tenured faculty for adequate cause shall be made in accordance with University grievance procedures.
  - 2) Formal Discontinuance of Programs: Termination of tenured appointments may occur because of bona fide formal discontinuance of a program or unit of instruction. The following standards and procedures shall apply:
    - a) The recommendation to discontinue formally a unit of instruction or program shall be made primarily by a faculty body appropriate to the issue under discussion. Such discussions shall be undertaken only for the purpose of enhancing the educational mission of the University.
    - b) Before sending termination notices to faculty because of the formal discontinuance of a program or unit of instruction, the institution shall make every effort to place the faculty concerned in other suitable positions. If placement in other positions would be facilitated by a reasonable period of training, financial and other support for such training shall be offered. If no positions are available within the institution, with or without retraining, the faculty appointment then may be terminated and the faculty concerned will be given a year's notice.
    - c) Neither the merging of two or more basic academic units nor the splitting of existing basic academic units shall be construed as discontinuance of program.
  - 3) Financial Exigency
    - a) A regular faculty body designated by the Faculty Senate shall participate in the decision that a condition of financial exigency exists or is imminent and participate in the subsequent allocation and reallocation of funds.

- b) A regular faculty body as designated by the Faculty Senate will exercise primary responsibility for recommending general guidelines for termination of tenured faculty and adjustment or termination of programs within these guidelines. Each basic academic unit will share responsibility for its specific program and personnel changes made necessary by budget reductions.
- c) Tenured faculty who receive notices that their appointments are to be terminated because of financial exigency shall have the right to seek redress through the University grievance procedures.
- d) If a condition of financial exigency is established by the Board of Trustees, the University has an obligation to make a bona fide effort to provide opportunities for movement into other suitable positions within the University for all tenured faculty terminated because of financial exigency or discontinuance of programs. The right to expect such treatment exists by virtue of faculty tenure. These opportunities may be provided
  - (I) through paid, reasonable leave for professional development;
  - (II) through the payment of retraining allowances;
  - (III) through a provision for movement into units of the University where openings exist and where the faculty may qualify and are acceptable to the unit involved; or
  - (IV) by a combination of these methods.
- e) If the University, because of financial exigency, terminates tenured faculty, it will not at the same time renew fixed-term appointments or make new appointments in the same basic academic units, except in extraordinary circumstances where a serious distortion in the academic program would otherwise result.
- f) In all cases of termination of tenured appointments because of financial exigency, the positions of the faculty concerned will not be filled within a two-year period by replacements of those faculty positions, unless the released faculty have been offered reinstatement and reasonable time in which to accept or decline.

#### VII) Academic Units in Which Tenure Can Be Granted

- A) Within the College of Agricultural Sciences
  - 1) Agribusiness Economics
  - 2) Animal Science, Food and Nutrition
  - 3) Forestry

- 4) Plant, Soil and Agricultural Systems
- B) Within the College of Applied Sciences and Arts
  - 1) Allied Health
  - 2) Architecture
  - 3) Automotive Technology
  - 4) Aviation Management and Flight
  - 5) Aviation Technologies
  - 6) Information Systems and Applied Technologies
- C) Within the College of Business
  - 1) Accountancy
  - 2) Finance
  - 3) Management
  - 4) Marketing
- D) Within the College of Education and Human Services
  - 1) Counseling, Quantitative Methods, and Special Education
  - 2) Curriculum and Instruction
  - 3) Educational Administration and Higher Education
  - 4) Health Education and Recreation
  - 5) Kinesiology
  - 6) Rehabilitation Institute
  - 7) Social Work
  - 8) Workforce Education and Development
- E) Within the College of Engineering
  - 1) Civil and Environmental Engineering
  - 2) Electrical and Computer Engineering
  - 3) Mechanical Engineering and Energy Processes
  - 4) Mining and Mineral Resources Engineering
  - 5) Technology
- F) Within the School of Law
  - 1) Law
  - 2) Law-Library



G) Within the College of Liberal Arts

- 1) Africana Studies
- 2) Anthropology
- 3) Art and Design
- 4) Communication Studies
- 5) Criminology and Criminal Justice
- 6) Economics
- 7) English
- 8) Geography and Environmental Resources
- 9) History
- 10) Languages, Cultures, and International Trade
- 11) Linguistics
- 12) Music
- 13) Philosophy
- 14) Political Science
- 15) Psychology
- 16) Sociology
- 17) Theater

H) Within Library Affairs

- 1) Library Affairs

I) Within the College of Mass Communications and Media Arts

- 1) Cinema and Photography
- 2) Journalism
- 3) Radio, Television, and Digital Media

J) Within the College of Science

- 1) Plant Biology
- 2) Chemistry and Biochemistry
- 3) Computer Science
- 4) Geology
- 5) Mathematics
- 6) Microbiology

- 7) Physics
- 8) Plant Biology
- 9) Zoology
- K) Within the School of Medicine Clinical Units
  - 1) Anesthesiology
  - 2) Family and Community Medicine
  - 3) Internal Medicine
  - 4) Neurology
  - 5) Obstetrics and Gynecology
  - 6) Pathology
  - 7) Pediatrics
  - 8) Psychiatry
  - 9) Radiology
  - 10) Surgery
  - 11) Anatomy
  - 12) Behavioral and Social Sciences
  - 13) Information and Communication Sciences
  - 14) Medical Biochemistry and Molecular Biology
  - 15) Medical Education
  - 16) Medical Humanities
  - 17) Medical Microbiology and Immunology and Cell Biology
  - 18) Physiology
  - 19) Pharmacology

#### D. Rights and Obligations

##### 1. All Employees

##### a. AIDS Policy

[The following was approved on August 26, 1988, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

The following policies are based on the current state of medical knowledge and are subject to change as new information becomes available.

##### l) Policy Foundations

- A) University decisions involving persons who suffer from AIDS shall be based on current and well-informed medical information.
- B) Current prevailing medical authorities agree that AIDS is not communicated through casual contact but requires intimate sexual contact or exchange of bodily fluids.
- C) For the purpose of this policy statement, the term "AIDS" shall include AIDS, AIDS-Related Complex, and a positive test for Human Immunodeficiency Virus.
- D) This policy should be reviewed periodically to ensure that it reflects the most current information available from both governmental and medical authorities.

## II) Non-Discrimination

- A) The university shall not discriminate in enrollment or employment against an individual with AIDS.
- B) No one shall be denied access to campus activities or facilities solely on the ground that they suffer from AIDS.

## III) Confidentiality

- A) The university shall comply with all pertinent statutes and regulations which protect the privacy and welfare of persons in the university community who suffer from AIDS as well as the welfare of others within the university community.
- B) The university will maintain procedural safeguards throughout the university with the objective of protecting the privacy of persons living with AIDS.
- C) All confidential medical information about an individual will be handled in compliance with legal requirements and professional ethical standards.
- D) The university will not disclose the identity of any student or employee who has AIDS, except as authorized by law or pursuant to guidelines following the general standards included in the American College Health Association's Recommended Standards and Practices for a College Health Program, fourth edition:
- E) In general, it is recommended that no specific or detailed information concerning complaints or diagnosis be provided to faculty, administrators, or even parents, without the expressed written consent of the patient in each case.

## IV) University Responsibilities

- A) The university shall develop and maintain a comprehensive educational program about AIDS.
- B) The university shall identify sources of competent and confidential testing for AIDS as well as counseling services upon request.

- C) The university shall identify sources of qualified medical care and encourage those with AIDS to utilize such sources.
- D) The university shall adopt and implement safety guidelines as proposed by the U.S. Public Health Service for handling and disposing of blood and other body fluids.
- E) Decisions in all situations involving students or employees with health problems are to be made on a case by case basis, based on the medical facts in each case and with concern for the confidentiality and best interests of all parties involved. The chancellor or designee shall identify the person(s) to be involved in each case.

b. ADA: Grievance Procedure

[The following was approved on December 1, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.3.d.]

I) Introduction

- A) Title II of the Americans With Disabilities Act of 1990 [ADA] (42 U.S.C., Section 12102 et. seq.) states in part, that "No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subject to discrimination by any such entity." Under the following ADA Grievance Procedure, an individual alleging noncompliance with the terms of Title II of the ADA may lodge a complaint and seek a satisfactory resolution of said complaint.
- B) The Associate Chancellor for Institutional Diversity, having been designated as ADA coordinator, will supervise ADA compliance efforts. Those who wish to review the ADA or regulations implementing Title II of the ADA, or those who wish to lodge complaints under Title II should contact the office of the Associate Chancellor for Institutional Diversity. The University Ombudsman and the Faculty Staff Ombudsman are also available to assist individuals in submitting complaints alleging noncompliance with the ADA.

II) Procedures for Submission of Complaint

- A) A complaint may be submitted by or on behalf of any individual with a disability who believes he or she
  - 1) has been excluded from participation in or denied the benefits of any program, service, or activity of SIUC or
  - 2) has been subjected by SIUC to unlawful discrimination because of his or her disability.
- B) A complaint may be submitted in writing or verbally, shall include the name and address of the complainant, and shall briefly describe the factual basis of the complaint. This grievance procedure does not cover

complaints relating to applications for employment where the applicant alleges unlawful discrimination on the basis of disability. Such issues will be resolved by the Director of Human Resources. An individual with such an employment-related complaint may, prior to submitting the complaint to Human Resources, consult with one or more of the following:

Affirmative Action, University Ombudsman, Faculty-Staff Ombudsman.

- C) A complaint should be submitted promptly, but in no case later than 60 business days after the complainant first becomes aware of the alleged discrimination or denial of benefits.
- D) The ADA coordinator or designee shall investigate the complaint as may be appropriate and shall make reasonable efforts to resolve the matter. The investigation shall be informal but thorough, affording all interested persons an opportunity to submit evidence or other information relevant to the complaint.
- E) The ADA coordinator or designee shall provide a written response to the complainant within 20 business days after receipt of the complaint. The response shall include a written determination as to the validity of the complaint and, if any, a description of the resolution of the complaint.
- F) The complainant may request the chancellor to consider the complaint in the event he/she is dissatisfied with the written response of the ADA coordinator. Any such request should be submitted in writing to the chancellor within 7 business days after receipt of the ADA coordinator's written response. The chancellor will render a decision within 20 business days. In accordance with existing Board policy, employees or students may appeal the chancellor's decision by filing an appeal with the Board of Trustees within 7 business days of receipt of this decision.
- G) The resolution of any complaint submitted hereunder will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the service, program, or activity at issue and the essential eligibility requirements for participation, therein; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the program, service, or activity, or cause an undue hardship to SIUC. Accordingly, the resolution of any one complaint, whether through the granting of relief or otherwise, shall not constitute a precedent upon which other complainants should rely.
- H) If an employee files a complaint under this procedure, he/she waives the right to pursue a complaint based on essentially the same facts through one of the regular employee grievance procedures. Likewise, if an employee has sought a remedy based on essentially the same facts through one of the regular employee grievance procedures and has proceeded beyond the stage of informal discussion at the level of dean/director or below, he/she may not seek remedy under this procedure. The right of a person to a prompt and equitable resolution of a complaint filed under this grievance procedure shall not be impaired by

the person's pursuit of external remedies. Use of this grievance procedure is not a prerequisite to the pursuit of such external remedies.

c. Collective Bargaining

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) The university and its employees are subject to the provisions of the Illinois Educational Labor Relations Act (115 Ill. Comp. Stat. 5/1). The purpose of this act is "to regulate labor relations between educational employers and educational employees, including the designation of educational employee representatives, negotiation of wages, hours and other conditions of employment and resolution of disputes arising under collective bargaining agreements."
- II) The university will negotiate those items appropriate for collective bargaining with any person, group of persons, organization acting on behalf of any employee or group of employees when such a person, group, or agency has met the requirements of the Illinois Education Labor Relations Act. No person, group of persons, or organizations will be permitted
  - A) to solicit membership in any organization from university employees during the employees' working hours;
  - B) to solicit funds or engage in union activities on university premises during working hours for the particular work location, except in the settlement of grievances.
- III) No permission to solicit will be granted outside the terms of the Board of Trustees policy governing "Use of University Property for Fund-Raising, Canvassing, Soliciting, Vending, and Allied Advertising" (6 Policies, C.2).
- IV) Employees with questions regarding their rights and obligations under the law are advised to contact Labor Relations, Human Resources.

d. Conflict of Interest

[The following was approved on April 21, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.3.e.]

- I) Introduction
  - A) Non-university professional activities for reasonable periods of time and for personal remuneration (normally through traditional consulting arrangements) generally enhance professional development and scholarship to the mutual benefit of the participants and the university. Such activities, whether public or private, when they complement and enhance the professional, job-related skills of the employee or when they constitute a public service, are seen to promote the objectives of the university and are, therefore, encouraged. The following procedures

implement an Illinois law requiring university faculty and, by extension, all employees to obtain written approval before engaging in remunerated research or consulting services for outside persons or organizations. The provisions of this policy are further designed to describe the type of non-university relationships that generally carry a potential for abuse, to prevent conflicts between the university interests and an employee's private interests, and to avoid non-university commitments that are likely to interfere with the performance of the individual's responsibilities to the university.

#### 1) General Principles and Prohibitions

- a) All full-time employees are required to give the university their primary professional loyalty and to arrange their financial interests and other non-university activities so as not to conflict or interfere with their commitment to the university. All employees must be alert to the possible effects of their non-university activities on the objectivity of their decisions, on the fulfillment of their obligations to the university and its students, and on the discharge of the university's responsibilities to the general public.
- b) Employees should refrain from engaging in any non-university activities that interfere with the proper discharge of their university duties, nor should they engage in business, accept employment outside the university, or otherwise engage in any non-university activity when such business, employment, or activity creates a conflict of interest or a conflict of commitment as hereinafter defined.
- c) A conflict as prohibited by this policy may occur as a result of either a conflict of interest or a conflict of commitment. A "conflict of interest" generally encompasses any situation wherein an individual employee influences university business, research, teaching or other decisions in ways that lead or could lead to any form of personal financial gain for the individual or his/her family, or that gives or appears to give improper advantage to others to the detriment of the university. A "conflict of commitment" encompasses any situation wherein non-university activities undertaken by the individual employee are sufficiently demanding of the individual's time and attention as to interfere with assigned duties or with his/her responsibilities to students or the university. Relationships and circumstances that may constitute a conflict prohibited by this policy include, but are not necessarily limited to, the following situations:
  - (I) When an employee directly or indirectly solicits or receives for personal benefit or the benefit of a family member any gift,

gratuity, favor, loan or other thing of personal value from any external source as a condition, either expressed or implied, for influencing university business, research, teaching, or other decisions. This provision shall not be construed as limiting the solicitation or receipt of honoraria or other similar payments recognized as appropriate or customary in the university setting in connection with the performance of job-related activities, provided, however, that such honoraria or other payments are disclosed to the university and approved in advance in accordance with procedures hereinafter set forth.

(A) Job-related activities are defined as

- (1) activities that are expressly delineated in the individual's job description, or
- (2) activities clearly implied by the job description, including activities that fall within the general scope of the individual's job description and are consistent with the goals and mission of the university.

(B) Examples of job-related activities for which honoraria or other similar payments may be accepted include authored manuscripts, workshops, seminars, editorships, editorial board service, and invited lectureships for which university employees customarily receive honoraria or other similar payments.

(II) When an employee participates in any contractual negotiations or recommends or approves any undertaking on behalf of the university with any individual, firm, partnership, association, or corporation with whom the employee has a contract for future employment or with whom the employee is negotiating concerning such employment.

(III) When an employee uses his/her position of employment with the university for any purpose which is motivated by, or gives the appearance of being motivated by, the desire for personal financial gain or financial gain by a family member. This provision is designed to prohibit any situation where it appears that an employee could exploit the title and/or authority he/she holds with the university to obtain an improper personal advantage for him/herself or any other university employee.



- (IV) When an employee undertakes any non-university activity of any nature whatsoever, if such activity is sufficiently substantial or demanding as to interfere, or appear to interfere, improperly, with the fulfillment of the individual's responsibilities to the university.
- (V) When an employee (or firm, partnership, association, or corporation, of which he/she is the owner or principal owner or major officer or primary employee) holds any financial interest in any contract for the purchase of goods or services by the university, unless such purchase is deemed essential to university operations and is approved by the chancellor (or designee), in accordance with the "Joint Purchasing Rules Governing Procurement and Bidding at State Systems Universities in Illinois"; or when a member of the immediate family of an employee, or a firm, partnership, association, or corporation of which he/she is the owner or principal owner or major officer or primary employee contracts for the purchase of goods or services with the university, unless such purchase is deemed beneficial to university operations and is approved by the chancellor (or designee) and such approval is filed with the purchase order or contract, in accordance with the "Joint Purchasing Rules Governing Procurement and Bidding at State Systems Universities in Illinois."
- (VI) When an employee or the spouse of such individual holds any personal equity holdings, options, or other financial interest (direct or indirect) in any outside business or activity that would be affected by the outcome of any research, consulting, or other services to be performed by the individual on behalf of the university. This situation does not include research, consulting, or other services for which there is established university oversight following full disclosure of the interest and university approval; it also does not include blind trust, diversified mutual funds, or other financial interest over which the individual employee, his/her spouse, and/or dependents have no discretionary control.
- (VII) When an employee, with administrative, advisory, supervisory, or purchase authority, has personal equity holdings, options, or other financial interest (direct or indirect) in any outside business or activity that would be affected by the outcome of any research, consulting, or other service to be performed by an employee within any unit of the university over which the employee exercises, or is authorized to exercise, supervision, administration or control. This situation

does not include research, consulting, or other services for which there is established university oversight following full disclosure of the interest and university approval; it also does not include blind trust, diversified mutual funds, or other financial interest over which the individual employee, his/her spouse, and/or dependents have no discretionary control.

(VIII) When an employee uses the university's classrooms, research laboratories, and/or other academic and general administrative facilities for personal and private financial gain. This prohibition shall not apply to job-related activities. The use of university facilities and property is specifically governed by 6 Policies of the Board of Trustees of Southern Illinois University, C (Use of University Property), and the Carbondale campus policy on "Regulations Governing the Use of University Personal Property."

(IX) When an employee involves his/her students or students under his/her supervision in non-university activities. To avoid potential conflicts between a student's academic interests and an employee's non-university interests, no employee shall hire or directly supervise a student in outside business activities while simultaneously serving as the student's adviser, supervisor, or as a member of that student's thesis or dissertation committee without the prior written approval of the chair of the student's academic unit.

(X) When a full-time employee, during his/her period of annual service, engages in outside employment, consulting, or other professional activity, engages in a regular business, or contracts for or accepts anything of value in return for research or consulting services other than for Southern Illinois University Carbondale, without the prior written approval of the appropriate vice chancellor or provost (School of Medicine).

## 2) Disclosure and Prior Approval

- a) A full-time employee planning to engage in any non-university employment, business, professional activity, or any job-related activity that will produce non-university income may be required to complete and submit through appropriate administrative channels the Annual Disclosure Report of Proposed Non-University Activities and Financial Interests seeking approval for such activity and explaining the nature of the proposed activity. This report must be completed if the total gross annual income is expected to exceed \$1,000 and will derive from activities that

would reasonably appear to directly affect and/or be affected by the employee's university responsibilities.

- b) The chair or director of the unit to which the individual employee is assigned, and the dean, as appropriate, shall review and evaluate all proposed non-university activities before recommending approval or disapproval. Disclosure reports must be filed annually in the case of ongoing activities.
- c) All disclosure reports requesting approval for any non-university activity generating total gross annual income exceeding \$5,000 shall be forwarded to the appropriate vice chancellor or provost (School of Medicine) for final approval or disapproval. The recommendations of the chair, director, and dean shall be advisory to the vice chancellor or provost (School of Medicine). Approval by the appropriate vice chancellor or provost (School of Medicine) must be obtained before the individual engages in the proposed non-university activity. Individuals assigned to those units reporting directly to the chancellor must obtain appropriate administrative approval and the approval of the chancellor before engaging in any proposed non-university activity.
- d) As a general rule, any proposed non-university activity that is inconsistent with the general principles set forth in this policy or which falls within the general conflict provisions set forth above in subsection C under General Principles and Prohibitions will not be approved. An exception for approval of any activity otherwise referenced in subsection C under General Principles and Prohibitions of this policy may be made, however, in those situations where it can be demonstrated that
  - (I) the actual or potential conflict is so insignificant and inconsequential that it will not in any way compromise the objectivity of the individual's performance of duties and obligations to the university; or the actual or potential conflict of interest may be satisfactorily managed via university oversight; and
  - (II) approval of the proposed activity has been granted in accordance with this policy. In any such case the employee is expected to fully reveal the conflict or potential conflict in the disclosure report and to request that the proposed activity be approved by exception.
- e) A decision on the part of the vice chancellor or provost (School of Medicine) disapproving any proposed non-university activity may be appealed by the employee in accordance with the applicable

grievance procedure. Individuals assigned to those units reporting directly to the chancellor may seek review of the chancellor's decision by filing an application for appeal with the Executive Secretary of the Board of Trustees, in accordance with VI Bylaws of the Board of Trustees of Southern Illinois University 2.c.

## II) Annual Report

Each employee who, during the period of his/her university appointment, has engaged in approved non-university activities must complete and submit an Annual Report of Approved Non-University Activities and Financial Interests to the chair or director of his/her unit at the end of the fiscal year (June 30) in which the activity occurred.

## III) Related Laws and Policies

This section references, for information purposes, several Illinois laws and university policies that concern potential conflicts between an employee's private outside interests and his/her university responsibilities or that might apply in evaluating the propriety of a particular non-university interest or activity.

- A) "An Act relating to research or consulting services by members of the faculty of state-supported institutions of higher learning," 110 Ill. Comp. Stat. 100/1 et seq. This statute, enacted in 1969, requires all full-time faculty members to obtain written approval before engaging in outside research or consulting for remuneration, and requires an annual statement of the amount of actual time spent on such activities.
- B) Governmental Ethics Act, 5 Ill. Comp. Stat. 420/1-101 et seq. Paragraph 4 A-101(f) of this statute requires certain administrative employees to file an annual disclosure of economic interests with the Secretary of State.
- C) Political Activities: State Employees, 5 Ill. Comp. Stat. 320/1 et seq. Section 2 of this act generally regulates political activity by employees subject to recognized merit principles of public employment, and prohibits such employees' participation in political activities during regular working hours.
- D) Use of University Property: 6 Policies of the Board of Trustees of Southern Illinois University, C and the SIUC Regulations Governing the Use of University Personal Property. These policies govern the use of university property and prohibit the use of university property for private purposes.
- E) University Statement on Nepotism: This policy establishes guidelines for all employment situations involving persons related by blood and marriage when both are employed at SIUC.
- F) Policy on Patents and Copyrights: This policy governs ownership and use of inventions, discoveries and certain copyrightable works developed

within the scope of an employee's duties to the university or developed through the use of university facilities or resources.

- G) Compensation Policy for Continuing Education and Internal Consulting Activities: This policy establishes an annual maximum amount of extra compensation an employee may receive from the university for off-campus instructional activities and for participation in credit-free and internal consulting activities.
- H) "Joint Purchasing Rules Governing Procurement and Bidding at State Systems Universities in Illinois." These regulations implement the Illinois Purchasing Act, 30 Ill. Comp. Stat. 505/1 et seq., and govern the purchase of all goods and services for the university.

e. Consenting Relationships

[The following was approved on May 16, 2001, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) Consenting romantic and/or sexual relationships between a faculty member and a student under the faculty member's academic supervision, or between a supervisor and an employee under the supervisor's supervision are inappropriate and unprofessional behavior and should not occur. Taking note of the respect and trust accorded a professor by a student and of the power exercised by the professor, a relationship between a faculty member and a student should be considered one of professional and client, in which sexual relationships are inappropriate. A similar relationship exists between a supervisor and an employee. The power differential inherent in such relationships may compromise the subordinate's free choice. Others may view such relationship as one of preferential treatment and detrimental to themselves or others. A faculty member or supervisor who enters into a sexual relationship with a student or an employee, where a professional power differential obviously exists, must realize that if a charge of sexual harassment is subsequently lodged, the burden will be on the faculty member or supervisor to prove immunity on grounds of mutual consent.
- II) Relationships between a graduate student and an undergraduate, when the graduate student has some supervisory responsibility for the undergraduate, belong in this category. Among other relationships included are those between a student or employee and administrator, coach, adviser, program director, counselor, or residential staff member who has supervisory responsibility for that student or employee.

f. Debt Collection

[The following was approved on May 1, 1986, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) Employees are responsible for payment of all their debts due to the university whether by contract, lease, under its rules and regulations, or

otherwise. After proper written notice and an opportunity for an appropriate hearing has been given, the university may either

- A) withhold from the employee's paycheck a sufficient amount to cover the obligations due the university;
- or
- B) request the State Comptroller's office to process involuntary withholding of the amounts owed to cover such obligations under the provisions of P.A. 84-803, which amended Section 10.05 of the State Comptroller's Act.

II) However, when an employee separates from the university and has any unpaid debts, the university, after billing or notifying the employee, will withhold from the employee's final paycheck an amount sufficient to cover the obligations owed the university. After the funds are withheld, prompt written notice of the withholding and an opportunity for an appropriate hearing to recover the amount withheld shall be given the ex-employee.

g. Drug-Free Workplace<sup>6</sup>

I) Guidelines

[The Southern Illinois University Board of Trustees approved the following statement of policy on March 9, 1989.]

Such policies will provide for a drug-free workplace which shall meet the minimum standards of applicable statutes or rules having the force of law. Guidelines published by the president shall be in effect and may be supplemented, where necessary, with more detailed campus regulations which have been approved by the president (2 Policies C.3.i).

[The following was approved on March 13, 1989, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.3.i.]

- A) All employees are hereby notified that the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances is prohibited on property owned or controlled by the Board of Trustees or in any site where duties of university employment are being performed. Violations of this prohibition will subject employees to disciplinary action in accordance with the applicable personnel policy, law, or regulations having the force of law. As a condition of employment for an employee directly engaging in the performance of work pursuant to a grant or contract covered by the said Act, the employee will abide by the above terms and shall notify the university of any criminal drug statute

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<sup>6</sup> This document is one of several university statements on drug and alcohol use by students and employees and on the regulation of alcohol on the university campus. These policies are Drug and Alcohol Use: Standards of Conduct; Drug and Alcohol Use by Employees Performing Safety-Sensitive Work; Drug-Free Workplace; Drugs and Alcohol: Disciplinary Sanctions Relating to Illicit Use; Alcoholic Beverages: Regulations.

conviction for a violation thereof not later than 5 days after such conviction.

- B) The president directs that a drug-free awareness program be established, which may be a component of already existing employee assistance programs, and that such program inform employees about the dangers of drug abuse in the workplace, the university's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- C) Each employee to be engaged in the performance of a federal grant or contract shall be given a copy of the statement set forth in paragraph A above.
- D) The university will notify the granting or contracting agency within 10 days after receiving notice of a criminal drug statute conviction from an employee pursuant to the last sentence of the statement set forth in paragraph A above.
- E) The university chancellors or their representatives shall require of any employee who is so convicted the satisfactory participation in a drug abuse assistance or rehabilitation program and/or, in accordance with applicable university personnel policies, impose a sanction on such employee within 30 days of notification of conviction.
- F) The university will make a good faith effort to continue to maintain a drug-free workplace through implementation of these requirements.
- G) The chancellors are hereby directed to develop, as necessary, more detailed institutional regulations dealing with the further implementation of PL100-690. Those regulations shall be effective upon approval by the president.

h. Drug and Alcohol Use: Standards of Conduct<sup>6</sup>

[The following was approved on October 1992, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.3.i.]

- I) Faculty, staff, and students must adhere to a code of conduct that recognizes that the unlawful manufacture, sale, delivery, unauthorized possession, or use of any illicit drug is prohibited on property owned or controlled by the SIU Board of Trustees or as part of any university activity.
- II) The use, including the sale, delivery, possession, and consumption of alcoholic beverages in or on property owned or controlled by the university or as part of any university activity is strictly prohibited except as otherwise provided in the "Alcoholic Beverages: Regulations" at SIU. Where permitted under these regulations, the use of alcoholic beverages on university premises shall be considered a privilege and may be allowed only if consistent with state laws and university regulations and only when it will not interfere with the decorum and academic atmosphere of the campus.

III) If an individual associated with the university is apprehended for violation of any drug- or alcohol-related law when on university property or participating in a university activity, the university will cooperate fully with law enforcement and other agencies in administering a corrective or rehabilitative program for the individual. The university also reserves the right to initiate concurrent disciplinary action up to and including, where appropriate, the termination of the individual's association with the university.

i. Drugs and Alcohol: Disciplinary Sanctions Related to Illicit Use<sup>6</sup>

[The following was approved on October 24, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.3.i.]

1) Civil Service

- A) Disciplinary sanctions that the university may take directly against a civil service employee are governed by the Guidelines for Progressive Disciplinary Actions: Civil Service Employees for the Carbondale campus and the Civil Service Employee Disciplinary Management Program: Policy on Employee Conduct and Discipline for the Springfield campus and, in part, by the Statute and Rules of the State Universities Civil Service System.
- B) Under the Guidelines for the Carbondale campus, possession of an alcoholic beverage in violation of the university's "Alcoholic Beverages: Regulations" would constitute a Level I infraction, calling for a warning or reprimand on the first such offense and pursuance of discharge on the fifth. Drinking intoxicating beverages in violation of these regulations would constitute a Level III infraction, calling for a 1-10 day work-day suspension without pay on the first such offense and pursuance of discharge on the third. Any criminal act that would qualify as a misdemeanor is a Level IV infraction, calling for a 15-20 work-day suspension without pay on the first such offense and pursuance of discharge on the second. Any criminal act that would qualify as a felony is a Level V infraction calling for pursuance of discharge on the first such offense. Unlawful possession, use, or distribution of illicit drugs or alcohol is by definition a misdemeanor or felony.
- C) Under the Policy for the Springfield campus, possession of an alcoholic beverage in violation of the university's "Alcoholic Beverages: Regulations" or pertinent School of Medicine regulations and administrative guidelines would constitute a Level I infraction, calling for a warning or reprimand on the first such offense and pursuance of discharge on the sixth. Drinking intoxicating beverages in violation of those "Regulations" or School of Medicine regulations or administrative guidelines would constitute a Level III infraction, calling for a 5 work-day suspension without pay on the first such offense, a 20 work-day



suspension on the second, and pursuance of discharge on the third. Any criminal act that would qualify as a misdemeanor is a Level IV infraction, calling for a 20 work-day suspension on the first such offense and pursuance of discharge on the second. Any criminal act that would qualify as a felony is a Level V infraction, calling for pursuance of discharge on the first such offense. Unlawful possession, use, or distribution of illicit drugs or alcohol is by definition a misdemeanor or felony. Under the Policy the School of Medicine Director of Personnel may take into account factors in mitigation and aggravation as well as other matters deemed relevant, such as the cumulative effect of an employee's overall disciplinary record in determining the disciplinary action to be taken.

- D) In addition to direct sanctions imposed by the university, any evidence of a criminal act by an employee involving the unlawful possession, use, or distribution of illicit drugs or alcohol will be brought to the attention of the proper law enforcement authorities.
- E) Even legal use of alcohol or undetected use of illicit drugs off the job which impairs an employee's ability to perform his/her job duties in a satisfactory manner exposes that employee to disciplinary sanctions up to and including discharge if the impairment is not corrected.

## II) Faculty and Administrative/Professional Staff

The following disciplinary sanctions, approved by the Chancellor of SIUC on April 24, 1991, are applicable to faculty and administrative/professional staff for violation of standards of conduct required by the Drug-Free Schools and Communities Act Amendments of 1989 (PL101-226).<sup>7</sup>

### A) Introduction

- 1) The standards of conduct of the Drug-Free Schools and Communities Act policy of SIUC prohibit the unlawful manufacture, sale, delivery, unauthorized possession, or use of any illicit drug on property owned or controlled by the university or as a part of any university activity. The standards also prohibit the use, including the sale, delivery, possession, and consumption of alcoholic beverages in or on property owned or controlled by the university or as part of any university

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<sup>7</sup> Public Law 101-226 and implementing federal regulations require that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. An institution's drug prevention program must include annual distribution in writing to each employee and student of, among other things, standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities, and a clear statement that the institution will impose disciplinary sanctions on students and employees (consistent with local, state, and federal law), and a description of those sanctions up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct.

activity, except as otherwise provided in the "Alcoholic Beverages: Regulations" at SIUC.

- 2) SIUC requires that all faculty and staff members comply with the standards of conduct of the Drug-Free Schools and Communities Act policy and, for any concerns related to the use or abuse of illicit drugs or alcohol, encourages individuals to voluntarily seek assistance through the alcohol and drug prevention and counseling services available through SIUC, including the Springfield campus of the School of Medicine, or the community.

#### B) University Procedures

Before any disciplinary sanction for violation of the standards of conduct of the Drug-Free Schools and Communities Act policy may be imposed, a faculty or staff member suspected or alleged to have violated the standards shall be afforded the benefit of due process, including 1) notice in writing of the specific violation that is charged, 2) a meaningful opportunity to be heard and to present any relevant information in response to the charge, 3) the right to assistance in such proceedings by an adviser of his or her choice, 4) a determination based on clear and convincing evidence that a violation of the standards of conduct occurred, and 5) an opportunity for appeal pursuant to the applicable grievance procedure.

#### C) University Sanctions

- 1) The disciplinary sanctions that may be imposed for violations of the standard of conduct of the Drug-Free School and Communities Act policy include 1) a written reprimand and/or warning, 2) disciplinary probation, 3) disciplinary suspension without pay, and 4) termination of employment. Assessment, counseling or rehabilitative treatment in some situations may be required for continued employment. An individual charged with a violation of the standards of conduct may be temporarily relieved of assigned duties with pay or an individual may be suspended with pay pending any necessary investigation of an alleged violation of the standards of conduct. In addition to sanctions for violation of the standards of conduct on university-owned or controlled property or as part of any university activity, the university reserves the right to take appropriate disciplinary action for any other use of illicit drugs or alcohol by employees which directly or indirectly affects performance of employment responsibilities.
- 2) When the illegal possession, use, or distribution of drugs or alcohol is involved, the administrative action will include referring any evidence of such criminal act by an employee to the attention of the proper law enforcement authorities. The university reserves the right to

initiate concurrent disciplinary action and impose sanctions for violations of the standards of conduct of the Drug-Free Schools and Communities Act policy.

- 3) Disciplinary sanctions for violations of the standards of conduct of the Drug-Free Schools and Communities Act policy shall be consistently enforced in order to promote fair and equitable treatment of any individual determined to have violated those standards. The following guidelines for particular violations for those standards shall be used as a means of assuring the imposition of similar sanctions for similar offenses but shall not be applied in a way that discourages an individual from seeking assistance for the abuse of alcohol and/or use and abuse of illicit drugs.
  - a) Any felony conviction for manufacturing (which includes growing), selling, or distributing drugs or alcohol on university-owned or controlled property or as part of any university activity shall result in termination of employment.
  - b) A felony conviction for possession or use of drugs or alcohol on university-owned or controlled property or as part of any university activity shall result in a range of penalties with a minimum of a six-month suspension with loss of pay to termination of employment, depending on the severity of the offense. Suspension must be accompanied by referral for assessment and/or treatment.
  - c) Illegal distribution or manufacture of drugs or alcohol on university-owned or controlled property or as part of any university activity under any circumstances other than felony conviction shall result in a minimum of a three-month suspension with loss of pay. A second incidence of such illegal distribution or manufacture of drugs or alcohol shall result in termination of employment.
  - d) The illegal possession or use of drugs on university-owned or controlled property or as part of any university activity, other than a felony offense, shall result in a range of penalties with a minimum of written reprimand or warning to a maximum of a 30-day suspension and a loss of pay, depending on the severity of the offense. Whenever a suspension is imposed, referral for assessment and/or treatment is mandatory. A second incidence of such possession or use shall result in a six-month suspension and loss of pay with mandatory referral for treatment. A third incidence of such possession or use shall result in termination of employment. If a felony conviction for possession or use of drugs on university-owned or controlled property or as part of any

university activity follows a lesser violation for which an action (referral, suspension, or warning) was taken, then it shall result in termination of employment.

- e) Any possession or use of alcohol in violation of the "Alcoholic Beverages: Regulations" at SIUC shall result in a first sanction of either a written reprimand, warning, and/or suspension for up to 10 days with loss of pay, depending on the severity of the offense, and may result in a referral for assessment. Subsequent violations shall result in more severe sanctions and may result in referral for assessment and/or treatment.
- f) When the use of alcohol or illicit drugs off the job affects job performance, the initial focus for control is the rehabilitation of the offender. If unsatisfactory performance, as a result of drug or alcohol abuse, is observed during the rehabilitation period, suspension with loss of pay or termination are alternatives. The conditions which warrant this type of administrative action should be determined on the basis of the circumstances specific to the case.

j. Drug and Alcohol Use By Employees Performing Safety-Sensitive Work<sup>6</sup>

[The following was approved on August 2, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.3.j.]

In accordance with the requirements of the Omnibus Transportation Employee Testing Act of 1991, university employees required to perform safety-sensitive work (defined as the operation of a commercial motor vehicle by an individual with a commercial driver's license) must participate in a comprehensive anti-drug and alcohol program which will include education and controlled-substance and alcohol testing. Any employee in a safety-sensitive position who violates the university policy on the use of controlled substances and alcohol will face disciplinary action up to and including termination of employment. Such violation will be considered to include a refusal to take or a failure to complete a drug and/or alcohol test, as well as a positive test for drugs and/or alcohol.

- l) Employees in positions requiring the possession of a commercial driver's license (CDL) are prohibited from the following:
  - A) using alcohol on the job;
  - B) using alcohol during the four hours before driving a commercial motor vehicle (CMV);
  - C) having an alcohol content concentration in the system of .02 or greater while driving a CMV;

- D) using alcohol for 8 hours following an accident or until a post-accident alcohol test is conducted, whichever occurs first;
  - E) refusing to take a required alcohol or controlled-substance test;
  - F) using any controlled substance, on or off duty, without a written prescription from a licensed doctor of medicine or osteopathy (use of a prescribed controlled substance is not a violation of this policy if the employee provides the university with a physician's written certification that such therapeutic drug use will not impair the CMV driver in the performance of safety-sensitive functions for the university);
  - G) possessing alcohol or controlled substances on duty or during the operation of a CMV unless the alcohol or controlled substance is manifested and transported as part of a shipment
- II) Employees in violation of any of these prohibitions are not permitted to perform safety-sensitive functions. Testing for controlled-substance/alcohol use is required in the following circumstances:
- A) Pre-employment. Controlled-substance tests will be conducted during the employment process.
  - B) Post-accident. Tests will be performed following any on-the-job accident involving the loss of human life or any on-the-job accident for which the driver-employee is cited for a moving traffic violation under state or local law.
  - C) Random testing. Random testing will be conducted on an annual basis, the frequency of such tests and the number of employees affected being in accordance with the percentages established by the Federal Highway Administration and published in the Federal Register.
  - D) Reasonable suspicion. An employee who is suspected of being under the influence of a controlled substance or alcohol will be tested.
  - E) Return to duty. Any employee returning to duty after violating the university policy concerning the use of alcohol or controlled substances will be tested prior to resuming safety-sensitive functions.
  - F) Follow-up. Any employee who has returned to duty following a determination that the employee has engaged in prohibited conduct will be subject to a minimum of six unannounced follow-up alcohol or controlled-substance tests (whichever is appropriate) administered over the first 12 months following return to duty.
- III) Any employee testing positive under any of the mandated tests will be removed from performing safety-sensitive functions and may be subject to disciplinary action in accordance with the statement on "Disciplinary Sanctions Relating to Illicit Drugs and Alcohol." In any case, an employee will not be allowed to resume the operation of a CMV until he/she has tested negative in a follow-up test and, if applicable, has been evaluated by a substance-abuse professional and has complied with any treatment recommendation.

- IV) Refusing to be tested, engaging in conduct that clearly obstructs the testing process, or failing to sign a release will result in the employee being removed from performing safety-sensitive functions, not being allowed to perform safety-sensitive functions for the university in the future, and being subject to possible disciplinary action, including discharge from employment.
  - V) All controlled-substance and alcohol testing will be conducted in accordance with applicable Department of Transportation (DOT) regulations. All employees subject to testing will receive a copy of this policy and a copy of the procedures established by the university to enforce the policy. Employees will be required to sign a statement certifying receipt of this material.
  - VI) Any records of alcohol and/or controlled-substance testing maintained by the university or its agents will be strictly confidential and will not be released to third parties without the specific written consent of the employee, except as otherwise provided by DOT regulation. Prescribed exceptions are as follows:
    - A) Information may be released to DOT agencies when license or certification actions may be required.
    - B) Information may be released to a decision maker in grievance, arbitration, litigation or administrative proceedings arising from a positive test result or employee-initiated action.
    - C) In cases where criminal charges are filed, records may be obtained from the court or from the Secretary of State.
- k. Electronic Information Privacy

[The following was approved by the Board of Trustees of Southern Illinois University on July 14, 1994, with amendments on March 13, 2003 and appears as SIU Board of Trustees 5 Policies J.]

- I) Southern Illinois University takes justifiable pride in the electronic information systems provided to its faculty, staff, and students. These resources include computer systems, university-owned computers and work stations, software, data sets, and communications networks. Members of the university community may use these resources only for purposes related to their studies, instruction, the discharge of duties as employees, official business with the university, or other university-sanctioned activities. Any other use, unless specifically authorized, is prohibited.
- II) Access to the university's electronic information systems is a privilege to which all university faculty, staff, and students may be entitled to some degree. Certain responsibilities accompany that privilege; understanding them is important for all users. Those within the university community who make use of these resources are subject to high standards of ethics to insure the privacy, security, and proper use of data. Recognized as a primary educational, research, and administrative asset, the university's electronic

information systems should be protected from unauthorized modification, destruction, disruption or disclosure-whether accidental or intentional.

### III) User Responsibility for Security of Stored Information

The user is responsible for correct and efficient use of the tools each electronic information system provides for maintaining the security of stored information.

- A) Individual users to whom computer accounts, passwords, and other types of security authorizations have been assigned must obey any express restrictions on disclosure of such authorizations to others. No otherwise authorized disclosure may be made until the proposed recipient of the disclosure has demonstrated familiarity with the security requirements for usage of the authorizations and agreed to comply with them.
- B) The user must strive to understand the level of protection each electronic information system automatically applies to files and supplement that protection, if necessary, for sensitive information.
- C) The microcomputer user must be aware of computer viruses and other destructive computer programs, and take steps to avoid being either their victim or propagator by using up-to-date anti-virus software.
- D) Use of computers by individuals implies that they accept responsibility for protecting any information (processed and/or stored under directories or accounts assigned to them) which is derived from restricted, licensed, or proprietary information.

### IV) Confidentiality of Stored Information

- A) Information stored on electronic information systems is considered confidential, whether protected by the computer system or not, unless the owner intentionally makes that information available to other groups or individuals. The university assumes that computer users wish the information they store on central and campus shared computing resources to remain confidential.
- B) Requests for the disclosure of confidential information outside the university will be governed by the provisions of law, including but not limited to the Family Educational Rights and Privacy Act of 1974, the State Records Act, and the Illinois Freedom of Information Act. All such requests will be honored only when approved by university officials who are the legal custodians of the information requested, or when required by state or federal law or court order. A current statute which protects the electronic mail users is the federal Electronic Communications Privacy Act of 1986. This law basically protects messages while in transmission on a public mail service as well as after messages are received and stored on that service.

### V) Inappropriate Usage

Computing and networking resources may be used only in accordance with accepted university practice. Examples of inappropriate and unacceptable use of computing and networking resources include

- A) harassment of other users;
- B) destruction of or damage to equipment, software, or data belonging to the university or other computer and networking users;
- C) disruption or unauthorized monitoring of electronic communications;
- D) violations of computer system security;
- E) unauthorized use of computer accounts, access codes, or network identification numbers assigned to others;
- F) use of computer and/or network facilities in ways that impede the computing activities of others;
- G) use of computing facilities for personal or business purposes unrelated to the mission of the university;
- H) violation of copyrights and software license agreements;
- I) violation of the usage policies and regulations of the networks of which the university is a member or which at least has authority to use;
- J) violation of another user's privacy;
- K) academic dishonesty such as plagiarism or cheating;
- L) accessing, or attempting to access, another individual's or entity's data or information without proper authorization regardless of the means by which this access is attempted or accomplished;
- M) giving another individual the means to access data or information they are not authorized to access;
- N) obtaining, possessing, using, or attempting to use passwords or other information about someone else's account;
- O) inspecting, modifying, distributing or copying data, mail messages, or software without proper authorization, or attempting to do so;
- P) tapping phone or data lines.

#### VI) Electronic Mail

- A) The university considers electronic mail to be a confidential, direct communication between sender and receiver(s). Accordingly, it should not be monitored, observed, viewed, displayed, or reproduced in any form by anyone other than the sender or intended recipient(s). E-mail users should exercise the same restraint and caution in drafting messages that they would when writing a formal memorandum using university letterhead and assume that their messages will be saved and be seen by someone other than the original addressee.
- B) Electronic mail may be disclosed to others with a need to know under law and university policy. Examples include
  - 1) incidental disclosure to technicians or supervisors during maintenance or repair procedures;



- 2) disclosure to internal or external auditors pursuant to their audit programs;
- 3) disclosure to adverse parties in civil lawsuits pursuant to mandated discovery procedures, or to attorneys for the university for use in preparing a defense against such suits;
- 4) disclosure to administrative, regulatory, or law enforcement authorities discharging their mandated functions, or to attorneys for the university for use in defending against charges or sanctions;
- 5) disclosure made for the purpose of resolving internal disputes including but not limited to those arising under grievance policies; parking and traffic regulations; student conduct codes; academic admissions, retention, grading and degree awards policies or practices; patent and copyright policies; indemnification policy liability and self-insurance programs; electronic information systems policies, and any external appeals of unresolved internal disputes.

#### VII) Sanctions

Violation of the policies described herein for use of computing resources will be dealt with seriously. Violators are subject to disciplinary procedures of the university and, in addition, may lose computing privileges. Illegal acts involving the university's computing and networking facilities may also be subject to prosecution by state and federal authorities.

#### I. Medical Certification, Examination, and Inoculation

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) All medical examination procedures and inquiries required by the university will be conducted in accordance with the guidelines established by the Equal Employment Opportunities Commission for compliance with the Americans with Disabilities Act of 1990.
- II) All confidential medical information about an individual will be handled in compliance with legal requirements and professional ethical standards.
- III) The employing department will bear the cost of any physical examination required by the university or for any inoculation required by state or federal regulation to be offered to an employee. Employees will endure no loss of compensation due to absence from work for such examinations or inoculations administered during regularly scheduled work hours.
- IV) Standard medical examination forms to be completed by an examining physician must be reviewed and approved by University General Counsel and the Director of Human Resources before adoption by the university.
- V) The university may require medical examination or certification

- A) for new employees in designated job categories or employees in designated job categories returning from a layoff or non-medical leave of absence. In the case of new employees, the examination will not be required until after a conditional offer of employment has been made;
  - B) for continuing employees in designated job categories on a periodic basis, as required by state or federal regulation.
  - C) All employees in a designated job category will be subject to the same requirement. The exam will be limited to an evaluation of the candidate's ability to meet the minimum physical requirements necessary to perform the essential functions of the position.
- VI) The university may require fitness-for-duty examinations and certifications:
- A) to support any illness or injury claimed by the employee when there is the appearance of misuse of sick leave;
  - B) to determine whether the employee poses a direct threat, as defined by the Americans with Disability Act, to personal safety or to the safety of others in the workplace;
  - C) to verify the employee's ability to perform the essential functions of the position when returning to work after illness or injury following release by the employee's own physician;
  - D) to verify the employee's ability to perform the essential functions of the position when the employee's job performance has deteriorated and such deterioration may be the result of a medical condition.
  - E) Before ordering an examination in any of the above circumstances, the employing department must justify and document the need for the examination in consultation with Human Resources. Human Resources will make such determinations on a case-by-case basis, with guidance from University General Counsel, as required.
- VII) Where required by state or federal regulation, the university will make inoculations available to employees in designated job categories. If the employee declines the inoculation, the employee will be required to sign a waiver acknowledging the risks of not obtaining the immunization.
- VIII) An employing department may require an employee to obtain a medical release to return to work after any injury or illness-related absence. A release must be provided to Human Resources, or to the employing department with a copy to Human Resources, whenever an employee returns to work following extended sick leave, family/medical leave for personal illness, SURS disability leave, Workers' Compensation leave, or personal leave for medical reasons. If the release indicates anything other than an unconditional release to work, Human Resources must be consulted before the employee may return to work.
- IX) In the event that an employee disagrees with the results of an examination conducted by a physician designated by the university, the employee shall

have the right to obtain an additional medical opinion at his/her own expense.

- X) If there is a difference of medical opinion between an employee's physician and a physician designated by the university, a third outside physician will be selected by the two physicians. The cost of this examination will be the responsibility of the employing department. The opinion of the third physician will prevail.

m. Nepotism

[The following was approved on November 3, 1982, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.3.c.]

Southern Illinois University Carbondale has established the following guidelines for all employment situations involving persons related by blood or marriage<sup>8</sup> when both are employed at SIUC.

Although opportunities for initial employment, leaves, promotion, tenure, and other benefits may not be limited because of marital relationship or immediate family relationship, the university does set reasonable restrictions on any individual's capacity to function as judge or advocate in specific situations involving members of her or his immediate family.

- I) Prospective employees who are married to one another, or are immediate family members, will each be considered for any employment opportunity for which they are qualified, completely independent of the fact that they are related. This is taken to mean that no one may be either denied or offered employment because of marriage or relation by blood to any employee or prospective employee.
- II) If two employees in a single department are husband and wife or immediate family members, they shall be considered independently for all employee benefits such as, but not limited to, leaves, sabbaticals, promotions, salary increases, retention, or tenure; and neither shall vote, recommend, or have any other part in decision-making regarding the other's initial employment, leaves, sabbaticals, promotions, salary increases, retention, or tenure. Such decisions shall reside at the next higher administrative level.
- III) No employee shall initiate or participate in institutional decisions involving a direct benefit (initial employment, leave of absence, tenure, promotion, sabbatical, retention, salary, etc.) to any person related to him/her by marriage or blood.
- IV) Each vice-chancellor area shall insure compliance with this statement of nepotism in his/her case.

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<sup>8</sup> The term "related by blood or marriage" refers to the immediate family which is defined as inclusive of the following: mother, father, grandmother, grandfather, son, daughter, grandson, granddaughter, aunt, uncle, brother, sister, niece, nephew, or any relative by marriage comparable to the above-listed relationships.

n. Patents and Copyrights

See BOT Intellectual Property Policy

o. Personnel Files

[The following was approved on August 2, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

I) Purpose

Southern Illinois University Carbondale recognizes the right of individual faculty and staff members to review the information included in their own personnel files. The university also recognizes that reasonable restrictions upon the disclosure of information included in individual employee personnel files is necessary to prevent the unwarranted invasion of the individual employee's personal privacy. It is the purpose of this policy to provide guidelines for the review or release of information contained in personnel files which will protect these rights and assure compliance with applicable laws.

II) Definitions

- A) "Employee," when used in this policy, includes any individual currently holding a faculty, administrative/professional staff, civil service, graduate assistant, or student work appointment at SIUC. It also includes an individual subject to recall after layoff or leave of absence with a right to return to a position with the university or a former employee who has terminated service within the preceding year.
- B) "Personnel File" refers to a collection of employment-related information maintained by the university pertaining to an individual employee, and which consists of the types of information referred to in the section on "Content of Files" below.
- C) "File Custodian," when used in this policy, refers to those persons set forth in the section on "Location of Personnel Files" below, together with those persons who are authorized by the administrative head as part of their daily duties to place information into and retrieve information from the file.

III) Location of Personnel Files

Personnel files of record are maintained at Employee Records (Carbondale campus) and the office of the Dean and Provost (Springfield campus). Personnel files may also be maintained by the administrative office of the department or unit where the employee is currently assigned, and by deans, directors, and vice chancellors for all employees under their supervision. Records pertaining to student employment and graduate assistant appointment are maintained by Financial Aid, the Graduate School, and the

School of Medicine. No other personnel files shall be kept except as permitted by this paragraph.

#### IV) Contents of Files

Information that may be placed in a personnel file includes but is not limited to the following:

- A) Employment application and status documents and related correspondence;
- B) Documents and correspondence which relate to the employee's training and development, professional activities, etc.;
- C) Documents and correspondence which relate to the employee's university benefits;
- D) Evaluations: Written evaluations of an employee made by an administrator or supervisor will be included in that employee's personnel file at the level the evaluation is made. The employee has the right to challenge or respond to a written evaluation, and a copy of the response will also be included in the employee's personnel file. If a copy of an evaluation is forwarded for inclusion in other personnel files, the employee's response, if given, must also be included.
- E) Any other personnel documents which are, have been, or are intended to be used in determining the employee's qualifications for employment, promotion, transfer, additional compensation, discharge, or other disciplinary action will be included in that employee's personnel file at the appropriate level. Except as otherwise provided in this policy, documents excluded from the right of review by law need not be included in the file. [See appendix for a copy of the statute in question.]
- F) Confidential Folder: If an employee desires that certain confidential recommendations or evaluations be provided on the employee's behalf with the understanding that the contents will not be disclosed to the employee but that they will be included in his or her personnel file, a signed statement to that effect must be provided by the employee. Any material so specified by the employee is to be placed in an envelope marked confidential with the employee's statement of permission attached. The envelope and its contents will be removed from the file by the appropriate administrative officer upon receipt of a written request by the employee.

#### V) Review of Employee's Own Personnel Files

- A) An employee may review any document included in his or her personnel file with the exception of confidential recommendations or evaluations for that employee as provided in the preceding paragraph, or as otherwise excepted by law.
- B) An employee desiring to review his or her file must visit Employee Records (Carbondale campus); or the office of Dean and Provost

(Springfield campus); or other department or unit where a personnel file of the employee is maintained and present proper identification. The file shall be made available for review by the employee during regular office hours as soon as possible, but in no event later than 7 working days after the employee makes the request. A file may not be removed from the office where it is maintained and may be reviewed by the employee only in the presence of the custodian of the file or his or her designee. An employee may not remove documents from the file or add documents to the file, except as permitted by this policy. However, a copy of all or part of the file will be provided to the employee upon reimbursing the university for costs of reproducing the copies requested.

- C) Except for materials described under "Contents of Files," subsection f, a copy of all or a part of a personnel file will be mailed to an employee who demonstrates that he or she is unable to review the file at the university, when such a request is made in writing by the employee. The employee must reimburse the university for the costs of reproducing the copies requested.
- D) An employee involved in a grievance against the university may designate in writing a representative to review his or her personnel file.
- E) The file custodian may limit file review to not more than 2 per calendar year and require that they be made at reasonable intervals.
- F) If the file contains a document which the employee believes should not be contained within the file or contains inaccurate information, the employee may challenge the inclusion or seek correction of such document in accordance with the following procedure:
  - 1) The employee must inform the custodian of the file in writing of the exact documents about which objection is being made and the nature of the objection.
  - 2) The custodian will relate in writing the objection to the author of the documents, if feasible, or otherwise to the appropriate university officer having responsibility for such documents.
  - 3) If the author or other appropriate university officer agrees with the objection, the custodian will either cause the necessary correction to be made or remove the document from the file, return the document to the author or other university officer, and notify the employee of the action taken.
  - 4) If the author or other office believes the document is accurate and should remain within the file, and is employment-related, the employee may submit a concise letter of explanation and/or objection which will be attached to the document in question.

#### VI) Release Of Information Included in Personnel Files

- A) The following university departments and representatives are authorized to review personnel files as necessary and to the extent required for the performance of their responsibilities:
- 1) Human Resources;
  - 2) The chancellor's office and the administrative office of each person directly responsible to the chancellor;
  - 3) The fiscal officer of the account from which the particular employee is paid, the department head, and the college or school dean or a delegated representative;
  - 4) Auditors of the Executive Director of Audits office, when necessary and to the extent required for the performance of an authorized audit;
  - 5) Other university departments or representatives to the extent required for the performance of their responsibilities. (The file custodian may require submission of a written explanation justifying any request for access to personnel files pursuant to this provision.)
- B) Information concerning an employee that may be confirmed to external agencies or individuals in the absence of a written release from the employee is generally limited to information otherwise available to the public, e.g., verification that the employee works at the university, duration of employment, the employing department or unit, the employee's job description, classification, and salary. Further information concerning an employee may be disclosed to external agencies or individuals only when the agency or individual requesting the information can show legal authorization to obtain the information requested. Such requests should be referred to Employee Records, Carbondale campus, or office of the Dean and Provost, Springfield campus, which office, in consultation with the office of General Counsel as required, will determine the validity of the request.
- C) The employee may authorize the release or disclosure of information included in his or her personnel file by written release which describes the information that may be disclosed and the agency or individual that may obtain the information.

#### VII) Notice to Employee when Disciplinary Action is Disclosed

In the event an external agency or individual is authorized by law to obtain information pursuant to a court order subpoena, compliance with a relevant discovery request in a case to which the university is a party, or legislative inquiry concerning an employee that includes any disciplinary report, letter of reprimand, or other disciplinary action, written notice will be mailed to the employee on or before the day such disciplinary information is disclosed.

However, written notice of disclosure of disciplinary information need not be provided the employee when

- A) the employee has specifically waived written notice as a part of a written, signed employment application with another employer;
- B) the disclosure is ordered to a party in a legal action or arbitration; or
- C) the information is requested by a government agency as a result of a claim or complaint by an employee, or as a result of a criminal investigation by such agency. Before such information is disclosed to a third party, except when the personnel file is ordered to a party in a legal action or arbitration, the personnel file shall be reviewed by the custodian who shall delete disciplinary reports, letters of reprimand, or other records of disciplinary action which are more than 4 years old.

VIII) Appendix

Illinois Compiled Statutes (820 Ill. Comp. Stat. 40/10) provides that the right of the employee to inspect his or her personnel records does not apply to

- A) letters of reference for that employee or external peer review documents for academic employees of institutions of higher education;
- B) any portion of a test document, except that the employee may see a cumulative total test score for either a section of or the entire test document;
- C) materials relating to the employer's staff planning, such as matters relating to the business' development, expansion, closing or operational goals, where the materials relate to or affect more than one employee provided, however, that this exception does not apply if such materials are, have been, or are intended to be used by the employer in determining an individual employee's qualifications for employment, promotion, transfer, or additional compensation, or in determining an individual employee's discharge or discipline;
- D) information of a personal nature about a person other than the employee if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy;
- E) an employer who does not maintain any personnel records;
- F) records relevant to any other pending claim between the employer and employee which may be discovered in a judicial proceeding;
- G) investigatory or security records maintained by an employer to investigate criminal conduct by an employee or other activity by the employee which could reasonably be expected to harm the employer's property, operations, or business or could by the employee's activity cause the employer financial liability, unless and until the employer takes adverse personnel action based on information in such records.

p. Repayment of Educational Loans



[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

Under state law, employees of all Illinois agencies, including SIUC, may not be in default on the repayment of any educational loan guaranteed by the Illinois State Scholarship Commission or made from state or federal funds for the purpose of attendance at an institution of higher education. Any employee in default for a period of longer than 6 months and in an amount of \$600 or more shall, as a condition of continued employment, make a satisfactory loan repayment arrangement with the maker or guarantor of the loan. Furthermore, all new employees must sign a statement certifying that they are not in default on such loans. Should an employee fail to establish a satisfactory repayment arrangement prior to the completion of the sixth month of employment, employment shall be terminated.

q. Research Misconduct

- I) It is in the best interests of individual employees, Southern Illinois University Carbondale (SIUC; University), the academic community at large, and the general public good, for all research, scholarly, and creative activities to be carried out with the highest integrity and ethical standards. University personnel generally assure such standards by self-regulation, including their personal values and the ethical codes of their various disciplines, often promulgated by professional/academic organizations. Nonetheless, occasional questionable judgments, ethical lapses, or other apparent violations of good practice may occur. Scholars have the responsibility both to report apparent occurrences of misconduct through appropriate channels and to take steps to correct the record when they discover error.
- II) Ultimately, the responsibility to pursue an allegation of misconduct belongs to the University and must be carried out fully to resolve questions regarding the integrity of the scholarship. This policy defines academic and research misconduct and describes the procedures for handling allegations of misconduct at SIUC in accordance with the U.S. Public Health Service Rule on Research Misconduct, 42 CFR Part 93 (rev. 2005; see <https://ori.dhhs.gov/>). This policy applies to all SIUC employees involved in funded or unfunded research, scholarly, and creative activities.
- III) The institutional official responsible for administering this policy and associated proceedings is the Provost and Vice Chancellor (“Provost,” “Office of the Provost”).
- IV) Students must adhere to the same ethical standards and conduct expected of University employees, as set out herein. For students, this policy applies to participation in activities administered by the Office of Sponsored Projects and Administration (OSPA), including Undergraduate Research Awards, Undergraduate Assistantships, and various seed-grant programs. Other student academic misconduct shall be handled in accordance with appropriate University Student Conduct Codes.

V) This policy excludes the SIU School of Medicine, which shall be subject to its own policy and procedures applicable to misconduct.

A) Basic Principles

1) Confidentiality and Anonymity

a) SIUC and all SIUC employees involved in administering this policy and its procedures are expected to make diligent efforts to protect the identities, academic reputations, positions, and rights of those who make good-faith allegations of academic misconduct and those who are the subject of such allegations. To the extent allowed by law, University shall maintain the identity of Complainant and Respondent securely and confidentially and shall not disclose any identifying information, except to:

(I) Those who need to know in order to carry out a thorough, competent, objective, and fair misconduct proceeding; and

(II) Funding agencies as they conduct a review of the misconduct proceeding and any subsequent proceedings.

b) The nature of the allegation and the evidence available will determine whether or not a case can be reviewed effectively without the involvement of Complainant in the proceedings. Cases that depend specifically upon the observations or statements of Complainant cannot proceed without the involvement of that individual; other cases that can rely on documentary evidence may permit Complainant to remain anonymous.

c) To the extent allowed by law, any information obtained during the misconduct proceeding that might identify the human subject(s) of research shall be maintained securely and confidentially and shall not be disclosed, except to those who need to know in order to carry out the misconduct proceedings.

2) Protection of Reputations

During and after the misconduct proceedings, University shall undertake all reasonable and practical efforts to protect the position and reputation of, and to counter any potential or actual retaliation against, all persons associated with the proceedings, including Respondent if no finding of misconduct was made, Complainant, witness, or Team or Panel member.

3) Academic Freedom

The policy of academic freedom, and the tolerance for differing opinions underlying it, shall not be abridged by this policy or by the

implementation of its procedures. However, nothing within the tenets of academic freedom permit or give license to the kinds of academic and research misconduct covered by this policy.

#### 4) Fairness and Conflict Of Interest

SIUC shall take all reasonable steps to ensure an impartial and unbiased misconduct proceeding to the maximum extent practicable. Those conducting the Inquiry or Investigation shall be selected on the basis of expertise that is pertinent to the matter. All persons charged with responsibilities under this policy are obligated to promptly disclose to the Provost any potential, actual, or unresolved personal, professional, or financial conflicts of interest with the Respondent, Complainant, potential witnesses, or others involved in the matter. Any such conflict which a reasonable person would consider to demonstrate potential bias shall disqualify the individual from selection

#### 5) Unfounded Charges

Bringing unfounded charges motivated by malice or ill will constitutes a violation of the purposes and standards for ethical conduct that underlie this document. If any charge of misconduct by Complainant or any statements of participants in the misconduct proceedings are not brought in good faith, that finding may be entered into the employee's personnel record and may lead to disciplinary action.

### B) General Procedures and Proceedings

Allegations of research-related academic misconduct are handled in three phases: an initial assessment by the Office of the Provost to determine if formal proceedings should be pursued; an Inquiry into the evidence; which is followed, if warranted, by a full Investigation to determine the extent of the problem and University's response.

#### 1) Allegations of Research and Academic Misconduct

a) Allegations of possible research-related academic misconduct may be reported to the Dean of the Graduate School, the Director of OSPA, a Department Chair, Director, Dean, or higher institutional administrative official for discussion and possible referral to the Office of the Provost. Any of these persons may provide confidential and preliminary counsel to an individual who comes forward with an allegation. Some concerns brought to their attention may not fall within the scope of the policies and procedures developed to address misconduct, and in such cases they will refer the matter to whatever institutional processes may be more appropriate to the particular case. If they determine that

the concern does fall under the jurisdiction of the Office of the Provost, they will refer the Complainant to this policy.

- b) If a Complainant chooses to make a formal, written allegation, the matter will be referred to the Provost as soon as possible. If the individual chooses not to make a formal allegation but the administrative official believes there is sufficient basis for conducting an Inquiry, the matter will be referred to the Office of the Provost for appropriate action.
- c) Even if Respondent leaves SIUC, by resignation or otherwise, before the case is resolved, University will continue the examination of the allegations in accordance with this policy. If there is a finding of misconduct, University will notify the institution with which the subject of the Investigation is currently affiliated. Furthermore, University will cooperate with other institutions' processes to resolve such questions.

## 2) Evidentiary Standards

A finding of research or academic misconduct requires that:

- a) There has been a significant departure from accepted practices of the relevant academic community; and
- b) The misconduct was committed intentionally, knowingly, or recklessly, and is not honest error or difference of opinion; and
- c) the allegation is confirmed by a preponderance of the evidence.

## C) Phase 1. Provost's Assessment

- 1) Within 15 calendar days after receiving an allegation of academic or research misconduct, the Provost shall assess it in order to determine:
  - a) If it appears to meet the definition of academic and research misconduct in as set forth under "Definitions"; and
  - b) If the allegation is sufficiently credible and specific so that potential evidence of research-related academic misconduct may be identified; and
  - c) For notification purposes, whether or not it involves external, particularly federal, funding.
- 2) The Provost may consult with the Vice Chancellor for Research, the Associate Vice Chancellor for Research, and the Office of General Counsel at any time in interpreting University's policy on misconduct and in determining whether further action is necessary according to this policy.

## D) Phase 2. Inquiry

### 1) The Inquiry Team

- a) The Inquiry Team shall consist of three individuals who have no real or apparent conflicts of interest in the case (such as close professional or personal affiliations with Complainant or Respondent), who are unbiased, and who have appropriate qualifications to judge the issues raised. To ensure access to the academic expertise necessary to judge the allegations, the Team may call in on- or off-campus consultants as necessary to assist in reviewing a case; such consultants are subject to the strictures about confidentiality set out herein.
- b) The Inquiry phase must be completed within 60 days of its initiation, unless circumstances clearly warrant a longer period, or within a shorter time period if so specified by a funding agency. Completion is marked by submission of the final, written Inquiry Report to the Provost.

### 2) Inquiry Report

- a) The completion of an Inquiry is marked by a determination of whether or not an Investigation is warranted, and by submission of the written report of the Inquiry findings to the Provost.
- b) Cases of plagiarism can be especially complicated, because the acts involved may be intended or unintended. Not all plagiarism, even if intended, constitutes misconduct. In cases involving allegations of plagiarism, the following questions should be addressed:
  - (I) Were ideas or language of a source or sources employed by the writer without acknowledgement of the source? If not, then an Investigation is not warranted.
  - (II) Does the amount or significance of the plagiarism rise to the level where further investigation is warranted? If not, then an Investigation is not warranted.
  - (III) Was the plagiarism committed within a context where the use of others ideas' and/or language is considered acceptable? If so, then an Investigation is not warranted.
  - (IV) Does it appear that the writer made an effort to adapt the ideas or language of the source, rather than merely adopt it? If adapted, then the writer may have unintentionally or inadvertently plagiarized and an Investigation may not be warranted.

- (V) Does the plagiarism appear to be the result of a lack of familiarity with the conventions of the community the writer is attempting to address? If so, then the plagiarism may not have been intended to deceive, and an Investigation may not be warranted.
- c) The Inquiry Report shall contain the following information:
  - (I) The name and position of Respondent;
  - (II) A description of the allegation of research and academic misconduct, including what evidence was reviewed, and a summary of relevant interviews, if any;
  - (III) The basis for recommending that the alleged actions do or do not warrant an Investigation, including whether there was a reasonable basis in fact or belief for the allegation and whether it was made in good faith;
  - (IV) Any comments on the Report by Respondent or Complainant;
  - (V) The federal/external PHS support involved, if any, including, for example, grant numbers, grant applications, contracts, and publications listing PHS support; and
  - (VI) The reasons for any delay beyond 60 calendar days to complete the Inquiry phase and Report.
- d) The Report shall be sufficiently detailed to permit later assessment of the reasons supporting the Inquiry finding.

### 3) Unsupported Allegations

If an allegation is found to be unsupported but has been submitted in good faith, no further formal action, other than informing all parties involved in the Inquiry, shall be taken. The records and findings of the Inquiry, including the identity of Respondent, will be held confidential to the greatest extent possible to protect the parties involved. In such cases the University will undertake diligent efforts to protect the Complainant against retaliation. Individuals engaging in acts of retaliation will be subject to disciplinary action and/or grievance proceedings.

## E) Phase 3. Investigation

To the greatest extent possible, the Investigation proceedings will be kept confidential. However, it should be noted that complete confidentiality cannot be assured during an Investigation, which is a much more formal and wide-ranging proceeding than an Inquiry.

### 1) Conduct of an Investigation

- a) In conducting an Investigation, the Panel shall comply with the requirements for conducting an Investigation in 42 CFR Section 93.310. The Panel shall use diligent efforts to ensure that the Investigation is thorough and sufficiently documented, including examination of all research records and evidence relevant to reaching a decision on the merits of the allegations. They shall pursue all significant issues and leads discovered that are determined relevant to the Investigation, including any evidence of additional instances of possible research or academic misconduct. The Investigation Panel may call in on- or off-campus consultants as necessary to assist it in the Investigation.
- b) The Investigation may consist of a combination of activities including, but not limited to:
  - (I) Review and copying of relevant data, proposals, correspondence, memoranda of telephone calls or memoranda to file, and other pertinent documents at the University, at the granting agency, or elsewhere;
  - (II) Review of published materials and manuscripts submitted or in preparation;
  - (III) Inspection of offices, laboratory or clinical facilities, and/or materials; and
  - (IV) Interviewing each Respondent, Complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the Investigation, including witnesses identified by the Respondent. The Investigation Panel will notify the Respondent sufficiently in advance of the scheduling of his/her/their interview(s) in the Investigation so that the Respondent may prepare for the interview and arrange for the attendance of legal counsel, if the Respondent wishes. Each interview shall be recorded or transcribed, the recording or transcription provided to the interviewee for correction and included in the record of Investigation;
- c) To the extent feasible, conduct of an Investigation shall be in compliance with any agency guidelines that must be followed if the activity in question is supported by external funding.
- d) The Investigation Panel shall use its best efforts to complete the Investigation within 120 calendar days of the date on which it began, including conducting the Investigation, preparing the Report of findings, providing the draft Report for comment, and, if PHS support is involved, sending the final Report to ORI. If it

becomes apparent that the Investigation cannot be completed within that period, the Panel shall promptly request an appropriate extension in writing internally from the Provost and externally from ORI.

- e) If the deadline cannot be met in an Investigation of research-related academic misconduct that involves no external funding, the committee shall submit an interim Report to the Office of the Provost.
- f) Should either the Inquiry Report or the Investigation Report determine that the original charges or the testimony of any person was maliciously motivated or not offered in good faith, that finding shall be communicated to the Provost. The Provost may enter a finding of malicious conduct in the person's personnel file and communicate the finding to the person's Chair, Director, or Dean. Such a finding may be the basis for disciplinary action or other personnel decisions in accordance with University rules and regulations.

## 2) Investigation Report

### a) Draft (Preliminary) Investigation Report

- (I) After conducting the Investigation in accordance with the process outlined above, the Investigation Panel will develop a Draft or Preliminary Report. The Preliminary Report shall include draft versions of each section of information required in the Final Report. All written materials and other documents forming part of the record, including interview summaries, shall be attached to the Preliminary Report.
- (II) The Draft Report shall be submitted to the Office of the Provost and to Respondent, who may submit comments within 30 days of the date of receipt.

### b) Final Investigation Report

- (I) Following the conclusion of any meeting(s) with Respondent and after receipt of Respondent's written response to the Preliminary Report, the Panel shall carefully review and consider the entire record in the matter, conduct further Investigation if necessary, and prepare a Final Investigation Report setting forth the detailed findings of the Panel.
- (II) The Final Report shall:
  - (C) Describe the specific allegations of research or academic misconduct considered in the Investigation;



- (D) Describe how and from whom or where information relevant to the Investigation was obtained;
- (E) Identify and summarize the research records and evidence reviewed, and identify any evidence taken into custody, but not reviewed. Describe any relevant records and evidence not taken into custody and explain why.
- (F) Include and consider any comments made by Respondent and Complainant on the draft Investigation report;
- (G) Provide a finding as to whether research-related academic misconduct did or did not occur for each separate allegation identified during the Investigation, and if misconduct was found:
  - (3) Identify the nature of the misconduct and whether it was intentional, knowing, or in reckless disregard;
  - (4) Summarize the facts and the analysis supporting the conclusion and consider the merits of any reasonable explanation by Respondent and any evidence that rebuts Respondent's explanations;
  - (5) Identify any external support, including grant numbers, applications, contracts;
  - (6) Identify any publications that need correction or retraction;
  - (7) Identify the person(s) responsible for the misconduct; and
  - (8) List any current support and pending applications or proposals for support that Respondent
- (H) Include a statement of the recommendations for resolution of the matter, including recommended sanctions, if any, to be imposed on Respondent and the rationale in support thereof. Sanctions can range from a reprimand or removal from the research project to termination of employment.
- (I) Include the institutional policies and procedures under which the Investigation was conducted
- (J) Tangible scientific property, e.g., slides, specimens, etc., shall be incorporated into the Report by reference

and retained in the custody or control of the Office of the Provost.

(III) The Investigation Panel shall submit the final Investigation Report to the Provost. The Respondent also will receive the final report of the Investigation. (When there is more than one Respondent, each will receive all those parts of the Report that are pertinent to his or her role.) If the identity of the Complainant is known to the Panel, he or she shall be provided with those portions of the final Report that address his or her role and opinions in the Investigation.

(IV) If the Investigation Panel discovers serious misconduct involving errors, it will include in its final report specific recommendations for action, such as notifying editors of journals in which the Respondent's findings were published, other institutions with which the Respondent has been affiliated, collaborators, professional societies, state professional licensing boards (if applicable), etc. The Provost will refer these recommendations to the appropriate administrative officials for follow-up action.

#### F) Rights and Responsibilities of Respondent

- 1) Respondent is obligated to cooperate in providing the material necessary to conduct all stages of the proceedings described in this policy, and will be so informed by the Provost when they are initiated. Uncooperative behavior may result in immediate implementation of a formal Investigation and appropriate institutional sanctions.
- 2) The destruction, absence of, or Respondent's failure to provide research records adequately documenting the questioned research is evidence of misconduct where the University establishes by a preponderance of the evidence that Respondent intentionally, knowingly, or recklessly had research records and destroyed them, had the opportunity to maintain the records but did not do so, or maintained the records and failed to produce them in a timely manner, and that Respondent's conduct constitutes a significant departure from accepted practices of the relevant academic community.
- 3) Respondent has the burden of proving, by a preponderance of the evidence, any and all defenses raised, and any mitigating factors that are relevant to a decision to impose administrative actions following a research or academic misconduct proceeding.
- 4) Respondent has the right to:

- a) Written notification of the allegation and the process that will follow, according to this policy.
- b) Written notification of the charge to and persons appointed to the Inquiry Team and, if created, the Investigation Panel.
- c) Prompt written notification if additional information emerges during the Inquiry/Investigation that substantially changes the subject matter.
- d) Consult with appropriate student, faculty, or professional advisory groups, and private legal counsel.
- e) Submit statements in writing and meet with the Team/Panel to present documentary, testimonial, and rebuttal evidence and respond to the allegation.
- f) Have an advisor present at any proceedings carried out in connection with this policy. However all statements and verbal responses to questions from Team/Panel members must be made by the Respondent and not by the advisor, who may not participate in the proceedings other than offer advice to Respondent.
- g) Review and correct transcripts of such meetings
- h) Review and respond to the written reports of the Inquiry Team and Investigation Panel; those responses shall be included in the final copies of the reports transmitted to the Provost.
- i) Appeal the decision of the Provost.

#### G) Appeal

- 1) Timely notice of the appeal process must be given to the Respondent if that process could result in the reversal or modification of the findings in the Inquiry and Investigation Reports.
- 2) Respondent may file a written appeal of the determination of the Provost with the Chancellor of the University in accordance with the "Grievance Procedure for Faculty" as set forth in the current SIUC Employees Handbook. Any appeal should be filed within 30 calendar days after the Provost's determination. (A time extension, where there is appropriate justification, may be requested of the Chancellor.) The appeal should be restricted to the body of evidence already presented, and the grounds for appeal should be limited to the sole question of whether the procedures prescribed in this document were followed correctly.

#### H) Responsibilities of the Office of the Provost

Copies of all communications will be securely maintained and held confidential in the Office of the Provost.

1) 1. Inquiry

- a) If it is determined that the allegations meet the criteria for an Inquiry, the Office of the Provost shall:
  - (I) Provide Respondent with written notification of the allegation and the process that will follow, beginning with an Inquiry. This notification should also (a) include a copy of these institutional policies and procedures for the handling of research and academic misconduct; (b) inform Respondent of the obligation to cooperate in providing the material necessary to conduct all stages of the proceedings, and that uncooperative behavior may result in immediate implementation of a formal Investigation and appropriate institutional sanctions; and (c) Respondent's right to counsel.
  - (II) Sequester all research records and other evidence needed to conduct the misconduct proceeding.
  - (III) Appoint an Inquiry Team. If the Respondent challenges the composition of the Inquiry Team, the Provost will decide the validity of a challenge for cause. If the objection is prompt and reasonable, the Provost shall replace the person with one who meets the stated criteria. The decision of the Provost whether the challenge is prompt and reasonable shall be final. The Provost convenes the first meeting of the Inquiry Team, in which s/he shall review the allegations and describe appropriate procedures for conducting an Inquiry.
- b) If the Inquiry identifies additional Respondents, the Provost shall promptly notify them in writing.
- c) At the completion of the Inquiry, the Provost shall notify Respondent of the results and attach to the notification copies of the Inquiry Report. If Respondent chooses to comment on the Inquiry Report, Respondent shall do so within fifteen (15) days, and such comments shall be attached to the Inquiry Report.

2) Investigation

- a) If an Investigation is to be carried out, the Provost shall:
  - (I) Notify Respondent in writing of the allegations to be investigated within 30 calendar days after that determination.
  - (II) Appoint a five-person Investigation Panel within 45 days of notifying Respondent. The Panel must consist of persons who

have no conflicts of interest in the case, are unbiased, and have academic backgrounds that qualify them to understand and judge the subject matter of the alleged misconduct. The Provost shall convene the first meeting of the Panel to review the allegations, the report of the Inquiry Team, and the prescribed procedures.

- (III) Respondent is to be notified in writing of the Panel's charge and the identity of the appointees. The composition of the Investigation Panel may be challenged for cause by Respondent or by Complainant (if any) in a prompt, reasonable, written objection. The Provost will decide the validity of a challenge for cause. The decision of the Provost whether the challenge is prompt and reasonable shall be final. If the objection is prompt and reasonable, the Provost shall replace the person with one who meets the stated criteria.
- (IV) (Notify the director(s) of any funding agencies sponsoring the research in question that an Investigation will be conducted.
- (V) Notify Respondent's department chair and dean (if applicable) of the impending Investigation.
- (VI) Provide Respondent written notice of any new allegations within a reasonable time after determining to pursue allegations not addressed in the Inquiry or in the initial notice of the Investigation, or if additional information emerges during the Investigation that substantially changes the subject matter of the Investigation.

- b) At the conclusion of the Investigation, the Provost shall provide Respondent a copy of the Draft Investigation Report and concurrently a copy of, or supervised access to, the evidence on which the report is based. The Provost shall notify Respondent that any comments on the Draft Report must be submitted within 30 days of the date of receipt.
- c) If there is more than one Respondent, each will receive all those parts of the Report that are pertinent to his or her role. If the identity of the Complainant is known to the Panel, s/he shall be provided with those portions of the final Report that address his or her role and opinions in the Investigation.

### 3) Findings

- a) The Provost shall review the findings and recommendations of the Final Investigation Report, which are advisory. The Provost shall

make the final determination on the case, including any sanctions to be imposed.

- b) If there is a finding of no misconduct, the Provost shall promptly notify all persons and agencies/organizations informed of the Investigation.
- c) If the Investigation Panel discovers serious misconduct involving errors, it will include in its final report specific recommendations for action, such as notifying editors of journals in which the Respondent's findings were published, other institutions with which the Respondent has been affiliated, collaborators, professional societies, state professional licensing boards (if applicable), etc. The Provost will refer these recommendations to the appropriate administrative officials for follow-up action.
- d) Respondent shall be given timely notification of the appeal process. Any appeal process must be completed within 120 calendar days. This 120-day deadline does not apply to termination hearings conducted separately from the appeal process.
- e) Tangible scientific property associated with the subject activity of the Investigation (e.g., slides, specimens, etc.) shall be retained in the custody or control of the Office of the Provost.

#### 4) Completion

- a) The Investigation is complete when the Provost has reviewed the Final Investigation Report, made a determination on the case, and submitted to any funding agency or other organization involved a copy of the Final Report along with a description of any sanctions to be taken by University. These entities may impose their own sanctions or take other action.
- b) The Office of the Provost shall maintain all records created or gathered under this policy consistent with the Illinois State Records Act and 42 CFR Section 93.317(a), for seven (7) years after completion of the proceeding, unless custody of the records and evidence has been transferred to DHHS, or ORI has advised that the records no longer need to be retained. When the seven years expires, the Provost shall return original materials to the persons who furnished them and destroy the remainder of the material, notifying Respondent of this act.

#### I) Definitions

##### 1) Academic and Research Misconduct

- a) For purposes of this policy, academic and research misconduct refers to a variety of unethical and unacceptable practices, including but not limited to fabrication, falsification, or plagiarism in proposing, performing, reviewing, or reporting the results of academic endeavors:
  - (I) Fabrication is making up data or results and recording or reporting them.
  - (II) Falsification is manipulating research materials, equipment, or processes, including: digitally altering images with the intent of misrepresentation; intentionally misleading, selective, or deliberately false reporting of information; changing or omitting data or results such that the research is not accurately represented in formal records; and false reporting of credentials. (This definition excludes those artistic and creative endeavors in which such manipulation or alteration is the art.)
- b) Plagiarism is presenting another existing work, original ideas, or creative expressions as one's own without proper attribution. (see SIU Board of Trustees Policy 7(F)).
- c) Other examples of misconduct include:
  - (I) Misappropriation or unacknowledged appropriation of the ideas or work of others, including misappropriation of physical materials.
  - (II) Abuse of confidentiality, such as the unauthorized use of privileged or unpublished information (e.g., violation of confidentiality in peer review), however obtained.
  - (III) Evasion of or intentional failure to comply with research or safety regulations or requirements after notice by University or federal, state, or other authorities, including but not limited to those relating to human subjects, laboratory animals, hazardous or radiological materials, drugs, and genetically altered organisms.
  - (IV) Formally presenting findings based on practices that seriously deviate from those that are reasonable, ethical, and commonly accepted within the academic community for proposing, conducting, or reporting the results of research and scholarly endeavors.
- d) Misconduct involves acts of deception and excludes differences of opinion or interpretation and honest (unintentional or

inadvertent) error. Authorship disputes do not, in and of themselves, constitute misconduct.

2) Allegation

An allegation of academic and research misconduct is a disclosure through any means of communication, written or oral, to an institutional official, or through information obtained from other sources, such as review of reports.

3) Complainant

Complainant means a person who in good faith makes an allegation of academic or research misconduct.

4) Good Faith

Good faith, as it applies to allegations of misconduct and to all statements or acts made in accordance with the procedures described in this policy, refers to honest belief or intention, uninfluenced by personal or professional gain or disregard for objective knowledge of facts.

5) Inquiry

An Inquiry is preliminary information-gathering, fact-finding, and review to determine if the criteria for conducting a formal Investigation of the alleged misconduct have been met. An Inquiry is not a formal hearing; it is designed to separate allegations deserving of further investigation from frivolous, unjustified, malicious, or clearly mistaken allegations.

6) Investigation

An Investigation is the formal development of a detailed, factual record and the examination of that record to determine if the alleged misconduct did or did not occur. If the Investigation finds that misconduct did occur, the findings may include recommendations for further investigations, for other appropriate actions, including administrative actions, and for appropriate sanctions.

7) Notice/Notification

Notice means a written communication served in person, sent by mail or its equivalent, to the last known street address, facsimile number, or e-mail address of the addressee.

8) Preponderance of the Evidence

Preponderance of the evidence means proof by information which, compared with that opposing it, leads to the conclusion that the fact at issue is more probably true than not.



9) Research

Research means systematic experiment, study, evaluation, demonstration, or survey designed to develop or contribute to general knowledge (basic research) or specific knowledge (applied research). At SIUC “research” includes scholarly and creative activities in the humanities and arts, and publishing.

10) Research Record

Research record means the record of data or results, in physical or electronic form, that embodies the facts resulting from academic and research inquiry, including but not limited to proposals, laboratory records, progress reports, abstracts, theses, oral presentations, internal reports, journal articles, books or chapters in books, videos, tape recordings, photographs, databases, and any documents and materials provided to an institutional official by a Respondent in the course of the misconduct proceeding.

11) Respondent

Respondent means the person(s) against whom an allegation of academic or research misconduct is directed or who is the subject of a misconduct proceeding.

r. Sexual Harassment

[The following policy was approved by the SIU Board of Trustees on May 7, 2009.]

l) Sexual Harassment Policy Statement

- A) Southern Illinois University is committed to a policy of providing equal employment and educational opportunities. In particular, Southern Illinois University is committed to maintaining a community in which students, faculty, and staff can work and learn together in an atmosphere free of all forms of discrimination, including sexual harassment. Sexual harassment violates the dignity of the individual and the integrity of the University as an institution of higher learning, and thus, sexual harassment in any form will not be tolerated at Southern Illinois University. This policy applies to all employees, students, contractors, and visitors of Southern Illinois University.
- B) This policy prohibits sexual harassment, retaliation related to sexual harassment claims, knowingly reporting false sexual harassment complaints and knowingly providing false information during the investigation of a sexual harassment complaint. All University employees are responsible for taking reasonable and necessary action to prevent sexual harassment, and all members of the University community are expected to contribute to an environment free of sexual harassment, and

are encouraged to report promptly (pursuant to campus procedures) any conduct that could be in violation of this policy. Each SIU campus shall adopt specific procedures for reporting, investigating and resolving harassment claims.

- C) This policy shall not abridge any individual's speech and due process rights under the First and Fourteenth Amendments; nor shall it abridge principles or rights of academic freedom or the University's educational mission. Prohibited sexual harassment and discrimination are not expression protected as a matter of academic freedom.

## II) Definition of Sexual Harassment

- A) Sexual Harassment in employment means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature, when:

- 1) Submissions to or toleration of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment (this is a type of quid pro quo – meaning "this for that" – sexual harassment); or
- 2) Submission to or rejection of such conduct by an individual is used as a basis (or threatened to be used as a basis) for employment decisions or assessments affecting such individual (this is a type of quid pro quo – meaning "this for that" – sexual harassment); or
- 3) Such conduct has the purpose or effect of substantially interfere with an individual's work performance or creating an intimidating, hostile, or offensive working environment (this is a type of hostile environment sexual harassment).

- B) Sexual Harassment in higher education means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature, when:

- 1) Submissions to or toleration of such conduct is made, either explicitly or implicitly, a term or condition affecting the student's participation in or benefit from any of the academic educational, extra-curricular, athletic, or other programs of the University (this is a type of quid pro quo – meaning "this for that" – sexual harassment); or
- 2) Such conduct has the purpose or effect of substantially interfering with a student's academic performance or creating an intimidating, hostile, or offensive academic environment (this is a type of hostile environment sexual harassment).
- 3) Hostile environment sexual harassment occurs when unwelcome conduct of a sexual nature is so severe, persistent, or pervasive that it affects an employee's work performance, limits a student's ability to

participate in or benefit from a University program or activity, or creates an intimidating, threatening or abusive working or academic environment. Sexual harassment generally includes something beyond the mere expression or display of views, words, symbols, images, or thoughts that some persons find offensive.

C) Totality of the Circumstances:

- 1) In determining whether alleged conduct constitutes sexual harassment, the record as a whole and the totality of the circumstances will be considered. Circumstances may include the frequency of the conduct; its severity; whether it was physically threatening or humiliating, or a mere offensive utterance; and whether it unreasonably interfered with the alleged victim's work performance or ability to participate in or benefit from the University's programs. The objective severity of the conduct will be judged from the perspective of a reasonable person in the position of the alleged victim and not on the intent of the person engaging in the conduct.
- 2) Examples of behavior that may be considered sexual harassment include, but are not limited to:
  - a) Physical sexual assault or coerced sexual intercourse;
  - b) Unwelcome physical contact, such as touching of a person's body, hair or clothing, or hugging, patting or pinching;
  - c) Direct or implied threats that submission to sexual advances will or could be a condition of employment, work status, promotion, performance evaluation, grades, letters of recommendation, or other work or educational benefits (quid pro quo)
  - d) Severe or persistent unwelcome verbal, physical or other expressive conduct that is offensive or humiliating in a sexual way. Such conduct may include comments of a sexual nature and/or sexually explicit statements, questions, jokes, anecdotes, gestures, or facial expressions that would offend or humiliate a reasonable person in the circumstances of the individual experiencing this conduct. Conduct need not be in person but can be any form of communication including but not limited to written, telephone, or electronic communication such as electronic mail and/or comments sent via the internet.
  - e) Exhibition or use of sexually explicit materials in the workplace or learning environment that have no relationship to the curriculum or research or the mission of the University and substantially interfere with an employee's work performance or a student's

ability to benefit from University programs. Such materials may be in the form of music, documents, objects, photographs, film or electronically generated materials.

- f) Any unwanted, inappropriate behavior that is targeted to a person or person(s) because of their gender or sexual orientation, for example repeatedly telling women (or men) that they are not capable of doing a certain kind of work.
- g) Amorous or sexual relationships between a faculty member and a student under his or her academic supervision or between a supervisor and an employee under his or her supervision, where the direct power differential compromises the subordinate's free choice. (Even consenting relationships may lead to an actual or perceived conflict of interest or other unethical conduct. See policies on consenting relationships.)

#### D) Retaliation

- 1) Retaliation is defined as any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in a complaint of sexual harassment. Retaliation may include, but is not limited to:
  - a) Taking negative tangible employment actions against a person;
  - b) Taking actions that substantially interfere with or have a chilling effect on the employee's or student's ability to participate fully in and benefit from the work or educational environment;
  - c) Failing to provide assistance or instruction that would otherwise be provided;
  - d) Failing to fairly and/or objectively evaluate an employee's or student's performance;
  - e) Failing to record an appropriately earned grade for a student; or
  - f) Otherwise sabotaging an employee's or student's performance or evaluation.
- 2) It is a violation of this policy to engage in any retaliatory acts against an employee or student who reports an alleged incident of sexual harassment, or any employee or student who testifies, assists, or participates in a proceeding, investigation, or hearing relating to an allegation or complaint of sexual harassment.

#### E) Duty to File in Good Faith/False Reports

Any person who reports alleged sexual harassment or provides information during the investigation of a complaint is presumed to have

participated in the investigatory process in good faith. It is a violation of this policy for persons to knowingly make a false sexual harassment complaint or knowingly provide false information during the investigation of a complaint.

F) Implementing Procedures<sup>9</sup>

This Sexual Harassment Policy is to be implemented throughout the University, and procedures consistent with this policy for such implementation are to be established on each campus. The President is authorized to delegate to each Chancellor, the authority to develop procedures for the implementation of this Sexual Harassment Policy.

G) Attribution

- 1) Sexual harassment policies are governed by state and federal laws and statutes. As such, policies at many institutions can look very similar to that proposed by SIUC. This policy was developed in accordance with the Illinois Human Rights Act (775 ILCS 5/2 and 775 ILCS 5/5 and 775 ILCS 5/5a), the Equal Employment Opportunity Commission Regulations (29 C.F.R. § 1604.11); and guidance issued by the United States Department of Education Office of Civil Rights.
- 2) Additionally, policies from several other universities were reviewed including: University of Massachusetts Amherst, University of Michigan, University of North Carolina at Chapel Hill, Michigan State University, University of North Carolina At Greensboro, University of Maine, Indiana University, Indiana University - Purdue University at Indianapolis, Purdue University, University of Southern Indiana - Evansville, New York University, University of Illinois, University of Massachusetts - Boston, City University of New York, Northwestern University, Illinois State University, University of Colorado System, Youngstown State University, Princeton University, Michigan State University, and University of Florida - Gainesville.

s. Software Piracy

[The following appears as SIU Board of Trustees 5 Policies I.]

- l) Respect for the intellectual work and property of others is vital to the mission of higher education. This principle applies to works of all authors and publishers in all the media, including the labor and creativity resulting in computer software. It encompasses respect for the right to

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<sup>9</sup> Please see I. D. 1. r. Discrimination (Including Sexual Harassment) Complaint and Investigation Procedures for additional information

acknowledgement and the right to determine the form, manner, and terms of publication and distribution.

- II) Unauthorized copying of software is illegal and may force the university as well as individuals to incur legal liability. The United States Copyright Law protects software authors and publishers in much the same manner as patent law protects inventors. Unauthorized copying of software, including programs, applications, data bases, and code, deprives developers of fair return for their work, may result in increased prices, may reduce the level of future support and enhancement available to the university, and may inhibit the development of software products.
  - III) Unless software has been placed in the public domain, the owner of a copyright holds exclusive right to the reproduction and distribution of his or her work. The purchaser of software generally purchases only a license to use the software on one machine. Most licenses do not permit copying although a licensee may generally make a backup or archival copy. Some institutional licenses permit copying for use on local area networks or on multiple machines, but such uses must be authorized in a license agreement commonly called a site license, which might include a network license or a limited-use license.
  - IV) It is the policy of Southern Illinois University that unauthorized copying of computer software will not be tolerated. Such copying is both unethical and illegal. University employees and students making, acquiring, or using unauthorized copies of computer software may be subject to university disciplinary sanctions as well as legal action by the copyright owner. Neither the university nor the state of Illinois will provide legal indemnification or defense for employees or students whose violation arises out of willful misconduct as defined in Policies 2 of the Board of Trustees, E.
  - V) The chancellors of Southern Illinois University Carbondale and Southern Illinois University at Edwardsville shall develop procedures for the implementation of this policy, pursuant to Bylaws V. 8. [Policies 5. 9. of the SIU Board of Trustees, I.]
- t. Discrimination (Including Sexual Harassment) Complaint and Investigation Procedures
- I) Policy on Non-Discrimination and Non-Harassment
- It is the policy of Southern Illinois University that all students, faculty, staff, and guests should be able to enjoy and work in an educational environment free from discrimination, and harassment. Discrimination against any person or group of persons based on race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, age, physical or mental disability, military status, unfavorable discharge from military service, or veteran's status is specifically prohibited in the Southern Illinois University community. This policy on non-discrimination and non-harassment reaffirms Southern Illinois University's commitment to maintain an

environment in which ideas are pursued free of intimidation or fear, and the Policy applies to admissions, employment, access to and treatment in all University programs and activities.

Discriminatory harassment includes, but is not limited to, conduct (oral, written, graphics or physical) directed against any person or group of persons because of race, color, national origin, ancestry, religion, sex, sexual orientation including gender identity, marital status, age, physical or mental disability, military status, unfavorable discharge from military service, or veteran's status that has the purpose of or reasonably foreseeable effect of creating an offensive, demeaning, intimidating or hostile environment for that person or group of persons. Such conduct includes but is not limited to objectionable epithets demeaning depictions or treatment and threatened or actual abuse or harm.

Harassment of any kind is strictly prohibited and may also be a violation of federal and or state laws. Each Chancellor is authorized to develop or use existing procedures for his or her respective campuses to address discrimination and harassment.

(3/13/03, 5/7/09, 04/14/11)

A) Delegation and Roles

- 1) The President has delegated to the Chancellors of SIUC and SIUE the authority and responsibilities to establish campus procedures for the implementation of the Non-Discrimination and Non-Harassment Policy (SIU Board of Trustees 7 Policies E) and Sexual Harassment Policy (SIU Board of Trustees 7 Policies D) (hereinafter "Policies").
- 2) The following procedures shall be used at Southern Illinois University Carbondale to implement and enforce the University's Policies prohibiting discrimination, including sexual harassment, and related retaliation, and to ensure that the University's employees, students, and agents comply with the Policies prohibiting all types of discrimination, including sexual harassment.

a) Role of the Director of the Office of Equity and Compliance

The Chancellor delegates the responsibility for the administration of these Policies and Procedures to the Director of the Office of Equity and Compliance (hereinafter "Director") or appropriate designee. In instances where one of the involved parties reports directly to the Chancellor, the Chancellor shall appoint an outside individual to act in place of the Director. The Director shall be responsible for the investigation of all complaints alleging a violation of one of the Policies, dissemination of the Policies and these Procedures to the University community, coordination of

associated education and training programs, maintenance of centralized records of complaints, and coordination of the resolution of such complaints.

b) Role of Investigators

(I) The Director shall designate individuals to serve as investigators for complaints alleging a violation of one of the Policies. The individuals appointed as investigators shall be trained on the Policies and these Procedures. The investigators shall be appropriately qualified and knowledgeable with respect to discrimination, including sexual harassment, and retaliation laws and guidelines, and the conduct of thorough and appropriate investigations related to these types of claims.

(II) The investigator(s) shall conduct investigations pursuant to Section III(C) of this Procedure, and under the direction of the Director, shall be solely responsible for the investigation of complaints.

B) Definitions

For purposes of these Procedures, the following terms shall have the ascribed meanings:

- 1) Appellant – the individual appealing the disposition of a complaint (either the complainant or respondent).
- 2) Complainant – the individual who is the subject of alleged discriminatory, harassing, or related retaliatory action.
- 3) Discrimination - Discrimination shall have the meaning ascribed to it in the Non-Discrimination and Non-Harassment Policy, SIU Board of Trustees 7 Policies E.
- 4) Harassment – means sexual or discriminatory harassment as defined in the Policies.
- 5) Respondent – the individual whose conduct is alleged to be a discriminatory, harassing, or related retaliatory action.
- 6) Retaliation – Retaliation is defined as any act of reprisal, including negative or otherwise unwarranted treatment, related to the reporting of, or participation in a complaint of a violation of one of the Policies. Retaliation may include, but is not limited to:
  - a) Taking negative tangible employment actions against a person;



- b) Taking actions that substantially interfere with or have a chilling effect on the employee's or student's ability to participate fully in and benefit from the work or educational environment;
  - c) Failing to provide assistance or instruction that would otherwise be provided;
  - d) Failing to fairly and/or objectively evaluate an employee's or student's performance;
  - e) Failing to record an appropriately earned grade for a student; or
  - f) Otherwise sabotaging an employee's or student's performance or evaluation.
- 7) Sexual Harassment - Sexual Harassment shall have the meaning ascribed to it in the Sexual Harassment Policy, SIU Board of Trustees 7 Policies D. Sexual violence such as criminal sexual assault<sup>10</sup>, criminal sexual abuse<sup>11</sup>, and/or sexual coercion are forms of sexual harassment.
- 8) Third Party Reporter – An individual who reports alleged discrimination, harassment, or related retaliation, but is not the subject of such discriminatory, harassing, or related retaliatory action.
- 9) Witness – An individual who provides information to the University regarding alleged discriminatory, harassing, or related retaliatory action.
- C) Investigation Procedures:
- 1) Reporting Violations of the Policies
- a) Anyone who believes that he or she has been the victim of or witness to discrimination, including sexual harassment or been retaliated against for reporting or acting as a witness to a discrimination complaint or of any other violation of the Policies should promptly report this belief and the basis thereof. These reports may be made to the Director or any employee of the University including but not limited to his or her supervisor, the supervisor of the individual alleged to have violated the Policies. In order to facilitate the efficient and effective investigation of complaints, the Complainant or Third Party Reporter should include as much relevant information as possible, such as the name of the Complainant, the name of the Respondent, and a factual description of the incident(s) (including dates, times, places, and the names of any witnesses). Complaints should be

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<sup>10</sup> See 720 ILCS 5/11-1.20 or 720 ILCS 5/11-1.30

<sup>11</sup> See 720 ILCS 5/11-1.50 or 720 ILCS 5/11.160

made as soon as possible, but shall be made no later than one hundred twenty (120) calendar days following the last alleged incident. The Director may waive the deadline for up to one year if in his or her sole discretion the facts and circumstances warrant such waiver.

- b) All complaints not initially filed with the Office of the Equity and Compliance shall be forwarded by the recipient of the complaint to the Office of Equity and Compliance immediately upon receipt. If the complaint is initially made verbally, the recipient of the complaint shall provide a written report to the Office of Equity and Compliance containing as much information and detail as possible e. If possible, reports should be made via the SIU Campus Incident or Crime Report form found here:  
<https://safe.siu.edu/file-a-report/crime-reporting-form.php>.
- c) Written complaints are not required to make a complaint. However, individuals are encouraged to make formal complaints utilizing documents and resources provided by the Office of Equity and Compliance. All complaints, no matter the format received, will be accepted and processed consistent with the University's obligation to investigate complaints, and to the extent permitted by law, these records will be kept confidential.
- d) Consistent with the University's Policies, and its applicability to outside contractors, vendors, program participants, and other visitors to University property and buildings, complaints made against such individuals should be reported in the same manner as described above, and will be investigated pursuant to the process detailed below, to the extent possible, depending on the particular circumstance.
- e) If complaints appear to include allegations of criminal misconduct, including but not limited to an alleged hate crime or physical sexual assault, the Office of Equity and Compliance shall also advise or assist the Complainant in making a report to the SIUC Police Department for its investigation.

## 2) Initial Review of Complaint

Within ten (10) business days of receiving a complaint, the Director (or designee) shall review the complaint to determine whether or not it provides sufficient information to warrant a formal investigation, and shall provide notification of this determination to the Complainant. The Director (or designee) may, as part of the review, gather additional information and/or talk to witnesses if necessary to make the determination. The Director (or designee) may extend this

time limit for a reasonable period to pursue an informal resolution as described in subsection C of this Section.

### 3) Informal Resolution

- a) Upon receipt of a complaint, the Director (or designee) shall consider whether the matter may be resolved by utilizing an informal resolution process in lieu of a formal investigation. The informal resolution process may be used only if both parties consent to this process and the Director (or designee) determines that it is appropriate. This process shall permit the Complainant and the Respondent to reach a mutually agreeable resolution prior to a formal investigatory finding.
- b) In determining whether an informal resolution process is appropriate for a particular complaint, the Director (or designee) shall consider the following factors:
  - (I) the severity of the allegation(s);
  - (II) whether any prior complaints have been filed against the Respondent;
  - (III) the number of alleged Complainants;
  - (IV) whether the alleged harm is easily reparable; and
  - (V) any other relevant factors consistent with the SIU Policies.
- c) Matters under criminal investigation and cases involving sexual violence are not eligible for the informal resolution process.
- d) If both parties agree to attempt to utilize the informal resolution process, and if the Director (or designee) determines that this process is appropriate for the complaint, either the Director or other appropriate individual shall meet with the parties and determine whether an appropriate resolution can be reached. Any such resolution can include, if applicable, an appropriate remedy, a plan for ensuring compliance with its terms, and a requirement of confidentiality by the parties involved.
- e) If a resolution is reached that both parties agree is appropriate, the resolution shall be reduced to writing and signed by both parties. A record of the resolution shall be kept by the Office of the Director . If the parties are unable to reach a resolution of the complaint, then the formal investigation process shall be used to determine the appropriate resolution of the complaint.

### 4) Formal Investigation Process

- a) If the Director (or designee) determines that the complaint warrants an investigation, the Director shall notify the Complainant and the Respondent of the name of the investigator(s) assigned to the complaint. Further, the Director may recommend to the Chancellor that the Respondent be placed on temporary administrative leave, and/or otherwise temporarily restrict access to campus pending the investigation if, in the Director's judgment, it is necessary to ensure compliance with applicable laws and/or these Policies. The Chancellor may place the Respondent on administrative leave for no more than thirty (30) business days, with the ability to extend such time for good cause, if necessary, unless otherwise prohibited by a collective bargaining agreement.
- b) The investigator(s) shall begin the investigation as soon as practicable, and shall complete the investigation within thirty (30) business days of receiving the complaint from the Director. The Director may extend this period for good cause based upon the particular circumstances of the investigation.
- c) Upon completion of the investigation, the investigator(s) shall prepare a confidential report of the findings to the Director (or designee). The report shall include a statement as to whether the investigator(s) believe that a violation of the University's Non-Discrimination and Non-Harassment Policy or Sexual Harassment Policy occurred, a summary record of the information gathered, and any mitigating or aggravating factors to be considered. This report shall be completed as soon as practicable following the completion of the investigation but in no event later than five (5) business days after the conclusion of the investigation. The Director (or designee) may extend this period for an additional five (5) business days upon request of the investigator(s) and for good cause. Prior to submitting the report to the Director, the Complainant and Respondent shall be provided the opportunity to review the investigative report and provide a written response.

## 5) Findings

- a) Upon receipt of the report by the assigned investigator(s), the Director (or designee) shall review the report and make a determination as to whether there is sufficient or insufficient evidence to support a finding of a violation based on a preponderance of the evidence standard. The Director (or designee) shall notify the Respondent and Complainant of his/her finding(s). The notice shall specify that retaliation against the Complainant, the Third Party Reporter (if applicable), or any

witnesses are strictly prohibited, and that any such retaliation may result in disciplinary action.

- b) If the Director (or designee), determines that the evidence is sufficient to support a finding that the Non-Discrimination and Non-Harassment Policy or Sexual Harassment Policy was violated, the Director (or designee) shall submit to the Chancellor a written summary of the investigative process and the finding(s) and a recommendation for disciplinary proceedings, if applicable.

#### D) Process for Appeals of Investigatory Findings

The Complainant or the Respondent may initiate an appeal of the decision of the Director (or designee) to the Chancellor, within five (5) working days of receipt of the notification of findings by providing a written notice of appeal to the Chancellor. The appellant shall receive a summary of the findings of the Director (or designee). The summary shall be sufficiently detailed so that the appellant can ascertain the reasons and underlying facts that formed the basis of the decision. The appellant shall file any rebuttal of the finding(s) within fifteen (15) days of receipt of this information. Within fifteen (15) working days of receipt of the appeal, the Chancellor shall review the record and either uphold, modify, or reverse the decision being appealed. The decision of the Chancellor is final, and there will be no additional University appeals of the decision. Nothing herein prevents the complainant or respondent from pursuing an appeal of an investigatory finding to an external agency or through the grievance procedure of an applicable collective bargaining agreement.

#### E) Discipline for Violations of Policies

- 1) Upon issuance of a recommendation by the Director, and upon expiration of the appeal period, disciplinary proceedings shall be conducted for violations of the University's Policies on Non-Discrimination or Sexual Harassment, including but not limited to findings that an individual filed a false report of sexual harassment in violation of Board Policies Section 7.D.3.
- 2) Disciplinary procedures shall be implemented according to the applicable collective bargaining agreement, and/or the applicable University policies and procedures. The appropriate Vice Chancellor, or his/her designee, shall be responsible for the disciplinary process and determination for all administrative/professional employees and faculty. The disciplinary process for Civil Service Employees shall be in accordance with the State University Civil Service Act, 110 ILCS 70/et seq., and any applicable collective bargaining agreement. The Student Conduct Code shall govern the disciplinary process for students.

- 3) The additional guidelines provided in this paragraph may be applied to the extent that they do not conflict with the applicable collective bargaining agreement or University disciplinary policies and procedures. Remedies such as letters of apology, mandatory sexual harassment training, counseling or monitoring, in addition to other types of disciplinary sanctions, up to and including termination or expulsion, may be imposed on those individuals who have been found to have violated one of the Policies. The Director may be consulted prior to a final determination and implementation of any disciplinary action for a violation of the Policies. If the recommended sanction is discharge, the Respondent may be suspended with or without pay while applicable appeal procedures are conducted.
- 4) Disciplinary or punitive action may also be taken against contractors, their sub-contractors doing business on University property or in University facilities, program participants, and visitors to the University. The action taken shall be dependent on the nature and severity of the offense, and the relationship of the Respondent to the University, and may include loss of access to University-related facilities, property, or equipment, or other appropriate sanctions.

F) Rights of Parties

1) Rights of the Complainant

a) A Complainant shall have the following rights:

- (I) To present relevant information to the investigators;
- (II) To have an advisor, advocate, or union representative present with him or her at all proceedings;
- (III) To be informed of the process of the investigation and the conclusion(s) reached as a result of the complaint;
- (IV) To be free from retaliation for filing a complaint; and
- (V) To appeal any adverse determination pursuant to the relevant policies or collective bargaining agreement.

b) Consistent with the University's obligation to investigate complaints of a violation of one of the Policies, and to the extent permitted by law, the privacy of the Complainant will be maintained to the extent possible.

2) Rights of the Respondent

a) Respondents shall have the following rights:

- (I) To present relevant information to the investigators;

(II) To have an advisor, advocate, or union representative present with him or her at all proceedings;

(III) To be informed of the allegations against him or her in a manner that will provide the Respondent an opportunity to respond;

(IV) To be informed of the process of the investigation and the conclusions reached; and

(V) To appeal any adverse determination or discipline pursuant to the relevant policies or collective bargaining agreement.

b) Consistent with the University's obligation to investigate complaints of a violation of one of the Policies, and to the extent permitted by law, the privacy of the Respondent will be maintained to the extent possible.

### 3) Rights of Witnesses and Third Party Reporters

a) Witnesses and Third Party Reporters shall have the following rights:

(I) To present relevant information to investigators;

(II) To have an advisor, advocate, or union representative present with him or her at all proceedings;

(III) To be free from retaliation for providing information in the processing of a complaint.

b) Consistent with the University's obligation to investigate complaints of a violation of one of the Policies, and to the extent permitted by law, the privacy of Witnesses and Third Party Reporters will be maintained to the extent possible.

### 4) Disclosure of Documents

a) The Director (or designee) shall take reasonable steps to inform the Respondent of the nature of the charges against him or her, the basis of the allegations, and provide all of the parties with the opportunity to respond.

b) To the extent required in litigation or formal disciplinary procedures, the University shall provide any and all documents regarding the investigation, policies and procedures, or other documents germane to the action.

c) The Director may provide, prior to formal litigation or formal disciplinary procedures, and subject to protecting the identity of the Complainant or potential witnesses, redacted reports, documents, and other materials germane to the investigation. The

Director's decision regarding disclosure shall be final and non-appealable.

- d) Any documents disclosed either to the Respondent, the Complainant, or to those representing either party, shall be used for the sole purpose of investigating or defending against the allegations of the complaint, and shall not be disclosed to any third parties, unless required by law. Information contained in any such documents shall remain confidential for all parties, to the extent allowable under applicable laws, and subject to the University's duty to investigate claims of discrimination, including sexual harassment. Under no circumstances shall any such documents or information contained therein be used to retaliate against the Complainant, the Respondent, the Third Party Reporter, or any Witnesses.

G) Exclusive Remedy

The procedures as provided herein shall be the exclusive remedy at the University level available to any person complaining of a violation of the Policies. The right of a person to prompt resolution of a complaint filed under this procedure shall not be impaired by the person's pursuit of remedies outside the University. Use of this procedure is not a prerequisite to the pursuit of other remedies. Individuals should be aware that the deadlines for filing a charge with the Illinois Department of Human Rights and with the federal Equal Employment Opportunity Commission are no later than 180 and 300 days, respectively, following the alleged act of discrimination, including sexual harassment.

H) Substantial Compliance

Substantial compliance with all of the procedures set forth in these procedures shall be deemed full compliance if the party challenging the procedures has suffered no substantial harm caused by the actual procedure used.

I) Reporting Requirements of the Office of Equity and Compliance

- 1) The Director shall report at the end of each semester to the Chancellor the number of cases in which a finding of racial, ethnic, or religious intimidation or sexual harassment has been made. In addition, the Office of Equity and Compliance shall report annually to the Illinois Department of Human Rights and the Illinois Attorney General with all information required by law.
- 2) The Director shall provide an annual report to the Chancellor that includes the number of complaints filed by category of claimed discrimination, the number of founded and unfounded complaints,



and a report of the campus training provided during the prior year. The Affirmative Action Advisory Committee may submit recommendations to the Director to promote the purposes of the Policies and these Procedures.

J) Education of Campus Community

1) Goals

Educational efforts are essential to establishing a campus environment free from discrimination and sexual harassment. The Office of Equity and Compliance, in conjunction with the Office of General Counsel, shall develop educational and training programs to ensure compliance with University Policy, campus Procedures, and applicable laws. The Office of Equity and Compliance shall work to achieve the following goals through education:

- a) Educating University personnel and students about prohibited conduct and acts that constitute discrimination and sexual harassment;
- b) Educating administrators about the proper way to address complaints of violations of the Policies or instances of discrimination, including sexual harassment, that come to their attention through other channels;
- c) Educating the campus community on their rights and obligations under the Policies;
- d) Educating students, faculty, and staff about the potential legal, financial, and overall adverse impact on the University, for failure to abide by the Policies.
- e) Training the Affirmative Action Committee annually regarding the Policies, including but not limited to the rights and obligations under the Policies, these Procedures, and the potential legal, financial, and overall adverse impact on the University for failure to abide by the Policies.
- f) Compliance with the requirements of all laws, including but not limited to the State Officials and Employee Ethics Act (5 ILCS 430/et seq.).

2) Professional Development and Training

- a) The Office of Equity and Compliance shall coordinate, in conjunction with the appropriate departments and offices, a series of training sessions for persons who are likely to receive complaints that these Policies have been violated. The intended audience for training will include, but will not be limited to, such

persons as residence hall advisors, academic advisors, supervisors, faculty, graduate assistants, and other instructional personnel. Further, the Office of Equity and Compliance shall provide annual training to students and staff to comply in compliance with the relevant legal requirements and campus needs.

- b) In an effort to help the campus community recognize what constitutes discrimination and sexual harassment and how to prevent it, a campus-wide educational program will be offered to students, faculty, and staff, and feedback shall be encouraged.

### 3) Information

The Director is responsible for distributing copies of the Policies and these Procedures to members of the University community. The Policies and Procedures and Complaint Intake Sheet shall be available on the internet and other locations as determined by the Director.

### 4) Procurement and External Relations

To the extent practicable, the University shall take reasonable steps to ensure that agreements entered into by the University with State and outside contractors performing work on University property will incorporate the University's policy prohibiting discrimination and sexual harassment. Academic units that initiate internship or co-operative programs for students with various employers will also be responsible for providing those employers with a copy of the University's Discrimination and Sexual Harassment Policies.

### K) Evaluation

The Chancellor is responsible for the ongoing evaluation of the effectiveness of the Discrimination and Sexual Harassment Policies and Procedures, and shall report the findings on a regular basis to the President.

### L) External Agency Complaint Information

- 1) The Illinois Human Rights Act prohibits discrimination, including sexual harassment, and retaliation, and establishes the Department of Human Rights and the Human Rights Commission to handle charges of discrimination, including sexual harassment. The Federal Government's Civil Rights Act prohibits discrimination, including sexual harassment, and retaliation by an employer, and assigns the complaint process to the Equal Employment Opportunity Commission (EEOC).
- 2) The United States Department of Education Office for Civil Rights enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from

the Department of Education, including Title IX of the Education Amendments of 1972, which prohibits discrimination, including sexual harassment, and retaliation.

- 3) For sexual harassment, an individual may make a confidential report to the SIU Ethics Officer ([ethics.siu.edu/contacts.html](http://ethics.siu.edu/contacts.html)) or the Office of the Executive Inspector General for the Agencies of the Illinois Governor.
- 4) In addition to the retaliation protections in this Procedure and the Sexual Harassment Policy, individuals who believe that they have been subjected to retaliation for reporting sexual harassment allegations may seek whistleblower protections under the Illinois State Officials and Employees Ethics Act (5 ILCS 430/et seq.), the Illinois Human Rights Act, (775 ILCS 5/et seq.), or the Whistleblower Act (740 ILCS 174/et seq.).
- 5) While the University encourages use of its internal policy and procedures, the University's policy does not preclude a person who feels she/he has been the victim of discrimination, including sexual harassment, from seeking redress through these external agencies. Filing with the external agencies can be done in lieu of or simultaneously with the University's complaint process. Filing a complaint with the University does not result in the waiver or extension of any time limits required by an external agency.
  - a) The Illinois Department of Human Rights can be contacted at:
    - (I) Website: [www.state.il.us/dhr](http://www.state.il.us/dhr)
    - (II) In Chicago:

James R. Thompson Center  
100 West Randolph Street, 10th Floor  
Intake Unit  
Chicago, IL 60601  
Telephone: (312) 814-6200  
TTY: (866) 740-3953  
Facsimile: (312) 814-6251
    - (III) In Springfield:

222 South College St., Room 101  
Intake Unit  
Springfield, IL 62704

Telephone: (217) 785-5100

TTY: (866) 740-3953

Facsimile: (217) 785-5106

(IV) In Marion:

2309 W. Main St., Suite 112

Intake Unit

Marion, IL 62959

Telephone: (618) 993-7463

TTY: (866) 740-3953

Facsimile: (618) 993-7464

b) The Equal Employment Opportunity Commission (EEOC) can be contacted at:

(I) Website: [www.eeoc.gov](http://www.eeoc.gov)

(II) St. Louis District Office

Robert A. Young Federal Building

1222 Spruce St., Rm 8.100

St. Louis, MO 63103

Telephone: (800) 669-4000

TTY: (800) 669-6820 TTY

Facsimile: (314) 539-7894

c) The United States Department of Education, Office for Civil Rights can be contacted at:

(I) Website:

<https://www2.ed.gov/about/offices/list/ocr/index.html>

(II) Chicago Office

Office for Civil Rights

U.S. Department of Education

Citigroup Center

500 W. Madison Street, Suite 1475

Chicago, IL 60661

Telephone: (312) 730-1560

TDD: (877) 521-2172

Facsimile: (312) 730-1576

Email: OCR.Chicago@ed.gov

d) The Office of the Executive Inspector General for Agencies of the Illinois Governor can be contacted at:

(I) Website:

<https://www.illinois.gov/oeig/about/Pages/writeus.aspx>

(II) In Chicago

Office of Executive Inspector General for the Agencies of the Illinois Governor

69 West Washington Street

Suite 3400

Chicago, Illinois 60602

Phone: (312) 814-5600 or (888) 261-2734 (TTY)

Fax: (312) 814-5479

(III) In Springfield

Office of Executive Inspector General for the Agencies of the Illinois Governor

Illinois Building - 607 East Adams Street

14th Floor

Springfield, Illinois 62701

Phone: (217) 558-5600

Fax: (217) 782-1605

M) Where to Obtain Additional Information Regarding the University's Sexual Harassment Policy and Complaint Procedures:

1) Office of Equity and Compliance

1075 S. Normal Ave., MC 4316

Davies Hall, Rm. 150

618/453-4807

II) In an emergency situation that involves possible criminal sexual misconduct, or in the event of criminal sexual assault or criminal sexual abuse, please notify the Department of Public Safety at 618-453-3771 or dial 911.

III) APPENDIX A

A) Illinois State Statutory Definitions

- 1) Section 5/2-101(E) of the Illinois Human Rights Act (775 ILCS 5/2-101.E) defines sexual harassment as follows:

“Sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

- 2) Section 5/5A-101(E) of the Illinois Human Rights Act (775 ILCS 5/5A-101.E) defines sexual harassment in higher education as follows:

“Sexual harassment in higher education” means any unwelcome sexual advances or requests for sexual favors made by a higher education representative to a student, or any conduct of a sexual nature exhibited by a higher education representative toward a student when such conduct has the purpose of substantially interfering with the student’s educational performance or creating an intimidating, hostile, or offensive educational environment; or when the higher education representative either explicitly or implicitly makes the student’s submission to such conduct a term or condition of, or uses the student’s submission to or rejection of such conduct as a basis for determining:

- a) Whether the student will be admitted to an institution of higher education;
- b) The educational performance required or expected of the student;
- c) The attendance or assignment requirements applicable to the student;
- d) To what courses, fields of study or programs, including honors and graduate programs, the student will be admitted;
- e) What placement or course proficiency requirements are applicable to the student;
- f) The quality of instruction the student will receive;
- g) What tuition or fee requirements are applicable to the student;
- h) What scholarship opportunities are available to the student;
- i) What extracurricular teams the student will be a member of or in what extracurricular competitions the student will participate;

- j) Any grade the student will receive in any examination or in any course or program of instruction in which the student is enrolled;
- k) The progress of the student toward successful completion of or graduation from any course or program of instruction in which the student is enrolled; or
- l) What degree, if any, the student will receive.”

u. Social Media

I) Policy Statement

- A) The use of social media is increasingly common for University units, students, and employees, and these communications tools have the potential to create a significant impact on organizational and professional reputations. SIU Carbondale supports the official use of social media tools for the purpose of marketing and communicating to stakeholders of the University. This policy was developed to properly portray, promote and protect the institution and to assist SIU entities in creating and managing their social media accounts.
- B) This policy requires that:
  - 1) Officially recognized social media accounts must be reviewed and approved through an application process.
  - 2) Each social media account will have responsible administrators assigned.
  - 3) Each officially approved account must include a disclaimer statement, in the prescribed form, regarding content and opinions contained on the site.
  - 4) Threatening, obscene, offensive, injurious and illegal content may be removed by SIU employees identified as account administrators or at the discretion of the Social Media Policy Staff.
  - 5) Best practices for social media accounts should be considered.  
(<http://socialmedia.siu.edu/>)

II) Definitions

- A) Account(s): Accounts or profiles created in social media sites, including, but not limited to, Facebook, Twitter, YouTube, Flickr, FourSquare, Pinterest and LinkedIn.
- B) Administrator: A person responsible for an officially recognized social media site.
- C) Content: All written, linked, and visual data
- D) Officially Recognized: A social media account that is registered with the SIU Carbondale Social Media Team.
- E) Unit: All University departments, colleges, programs, and entities.

- F) User: A person submitting content to any social media site that is officially recognized and/or representing a unit at SIU Carbondale.

### III) Application of this Policy

- A) This policy will apply only to social media accounts created for the express purpose of officially representing SIU Carbondale groups, departments, programs, entities, etcetera, and will not apply to private/personal social media accounts unassociated with the University.
- B) The University does not monitor personal social media accounts, however the University reserves the right to review any site or activity brought to its attention as potentially violating the guidelines established in this policy.
- C) University employees acting in an individual capacity should exercise caution to communicate clearly that they are not acting in a representative capacity, or expressing the views of the University. Examples of appropriate disclaimers can be found here:  
<http://socialmedia.siu.edu/>

#### D) General

- 1) Do not post confidential information.
- 2) Adhere to state and federal laws and regulations related to the security and privacy of information (e.g. FERPA, HIPAA and PIPA) and NCAA guidelines, as well as to University privacy policies.
- 3) Do not share unpublished experimental methods and confidential research results or reveal protected intellectual property.
- 4) Adhere to the University's Visual Identity Policy (<https://logo.siu.edu/>) and University's Branding Policy (<https://brand.siu.edu/>) when designing profile or background graphics.
- 5) The Saluki logo is specifically reserved for media directly related to the SIU Athletics program; the official seal is reserved for use on formal University documents.
- 6) SIU Carbondale and its logo are trademarked and cannot be used without permission (<https://logo.siu.edu/>). Do not use SIU or its logo to promote products, causes, or political candidates.

#### E) Administrator

- 1) When participating in the SIU Carbondale social media community, remember that free speech comes with responsibility.
- 2) Comments, posts, or photos that are illegal, obscene, defamatory, threatening, infringing of intellectual property rights, invasive of privacy, or otherwise injurious or objectionable will be found in violation of the SIU Carbondale Social Media Policy and should be removed by one of the administrators of the site.



- 3) Administrators will hold individuals liable for any content or material they post to their sites. Social media site users should be familiar with the respective Terms of Service and respect general copyright and Fair Use policies.
- 4) Administrators must add a disclaimer about the opinions and statements of users on their officially recognized social media accounts.
- 5) Policies for each social media platform should also be added to each officially recognized account.
- 6) A list of disclaimers and policies can be found here:  
[socialmedia.siu.edu](http://socialmedia.siu.edu)

F) User

- 1) The University will hold individuals liable for any content or material posted to University accounts.
- 2) Social media account users should be familiar with the respective Terms of Service and respect general copyright and Fair Use policies.
- 3) When participating in the SIU Carbondale social media community, remember that free speech comes with responsibility.
- 4) Comments, posts, or photos that are illegal, obscene, defamatory, threatening, invasive of privacy, or otherwise injurious or objectionable will be found in violation of the SIU Carbondale Social Media Policy and can be removed by one of the administrators of the site.

IV) Required Guidelines

- A) University units wishing to launch social media accounts or develop mobile applications must notify the University's Social Media Team in advance of finalization/deployment of any new social media profile or mobile application.
- B) Social media accounts officially recognized by SIU Carbondale must have at least two SIU Carbondale employees as administrators at all times to ensure adherence to this policy.
  - 1) If two employees are not available, please contact the Social Media Team for assistance.
  - 2) Should an SIU Carbondale employee administrator of an account leave the University for any reason or no longer wish to be an account administrator, it is the unit's responsibility to designate another SIU Carbondale employee to be an account administrator and remove the former employee's administrative permissions to the site.

V) Violations

- A) This policy applies to all students, employees and units of the University.

- B) Postings that may be a potential violation of the Employee Handbook or the Student Conduct Code will be referred to the appropriate office for review and discipline.
- C) Any post considered to be an immediate threat should be reported to the Department of Public Safety by calling 911.
- D) Comments, posts, and accounts found in violation of this policy can lead to content or accounts being banned and/or permanently removed.
- E) Any appeals should go through the Social Media Policy Committee for review.

VI) Existing SIU Carbondale Policies

- A) All individuals using social media must adhere to all SIU Carbondale policies and procedures, including but not limited to:
  - 1) Student Conduct Code
  - 2) Electronic Information Privacy: [policies.siu.edu/policies/elecpriv.php](http://policies.siu.edu/policies/elecpriv.php)
  - 3) Visual Identity Policy: [logo.siu.edu/](http://logo.siu.edu/)
  - 4) All Hazards Emergency Policy
  - 5) Employee Handbook: [policies.siuc.edu/employees\\_handbook/](http://policies.siuc.edu/employees_handbook/)
- B) The Social Media Team has posted additional guidelines for university-related social media accounts and applications on its website at <http://socialmedia.siu.edu/>.

2. Civil Service

a. Grievance Procedure for non-Negotiated Civil Service Employees

[The following, which was approved on November 9, 1981, with amendments on July 9, 1999, and on April 10, 2002, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.3.d.]

The university promotes the internal resolution of employment-related disputes between its employees and its managers. These procedures are intended to provide for fair, consistent and timely disposition of such disputes. Employees and supervisors have an obligation to make every effort to resolve employment-related problems as they arise. The grievance procedures exist to allow for avenues of appeal when such efforts are not successful.

I) Applicability

This grievance procedure applies to permanent civil service employees who are not covered by a collective bargaining agreement. It does not apply to civil service employees at the SIU School of Medicine, Springfield campus, or to employees who are covered by a grievance procedure contained in a collective bargaining agreement, unless the collective bargaining agreement specifically incorporates this grievance procedure.

II) Definition of a Grievance

- A) A grievance is defined as a claimed violation of a specified university policy, regulation or procedure pertaining to an individual's term or conditions of employment. Excluded from the definition of a grievance are the following:
- 1) Dismissal during the probationary period unless the grievant is alleging discrimination based on race, color, religion, sex (including sexual harassment), national origin, age, disability, sexual orientation, marital status, or veteran status.
  - 2) Discharge or involuntary demotion from a status civil service position. The procedure governing appeal of discharge or involuntary demotion from a status position after completion of the probationary period is set forth in Section 250.110(e) of the State Universities Civil Service rules.
  - 3) University statements of policy. The misapplication or misinterpretation of the policy may be grieved not the policy itself. No decision may be made at any step of the grievance procedure which conflicts with or modifies a university policy or conflicts with an administrative regulation issued under appropriate statutory authority, e.g., the rules of the State Universities Civil Service System.
  - 4) Appeals of performance evaluations. Every employee has the right to provide a formal response to a performance evaluation to be included as a part of the employee's personnel record. This response does not constitute an appeal.
  - 5) Complaints for which a specific university policy exists, for example, sexual harassment.
- B) Employees are encouraged to seek assistance from Human Resources, Labor and Employee Relations or to use the services of the Office of the University Ombudsman to resolve employment-related disputes that do not involve the violation of a specified university policy, regulation or procedure pertaining to an individual's term or conditions of employment.

### III) General Grievance Procedure Guidelines

- A) For the purpose of this procedure, a workday is defined as a normal university business day.
- B) An employee has a right to be accompanied and advised by a representative of his/her own choosing at all levels of the grievance.
- C) If no answer is received at any step within the specified time, the grievant may give notice and proceed to the next step unless the parties have mutually agreed to a time extension in writing.

- D) If the employee fails to initiate a step in the grievance process within the specified time, the grievance is terminated unless the parties have mutually agreed to a time extension in writing.
- E) When a grievant, authorized representative, or witness is required by the procedure to attend a meeting during his/her regularly scheduled work assignment, such person shall be released without loss of pay or benefits for the length of that meeting, including reasonable travel time to and from that meeting. Night shift employees appearing before a hearing panel during the day will receive an equal amount of compensatory time off during his/her regular shift, to be used in accordance with the university policy on the use of compensatory time.
- F) A grievance may be withdrawn at any step, but if withdrawn, the grievance will not be reopened.
- G) No reprisals shall be taken by the employer against an employee because of participation in a grievance.
- H) All participants in the hearing process will hold all information pertaining to the grievance in confidence, except to the extent required by law.
- I) Formal records produced as part of the grievance procedure shall be filed in the office of Labor and Employee Relations, separately from the official personnel file of the employee.

IV) Steps in the Grievance Procedure (excluding those grievances against Labor and Employee Relations)

A) Step 1.

- 1) An employee who has an employment related dispute shall first present any grievable matter(s) to the immediate supervisor. The grievable matter(s) should include the facts pertaining to the circumstance/instance. The employee has 10 workdays in which to present the grievable matter to his/her immediate supervisor from the time in which the employee knew or should have known of the alleged violation, which gives rise to the grievance. The immediate supervisor must render a decision and reason for the decision within 5 workdays.

B) Step 2.

- 1) If the matter is not satisfactorily resolved, the employee may submit the grievance in writing to the head of the department (e.g., dean, director). This must be done within 5 workdays after the receipt of the immediate supervisor's decision in step 1.
  - a) The written grievance must be signed by the aggrieved and must include:
    - (I) a statement of the facts related to the grievance, description and actions that took place in step 1 above.

(II) the specific university policy, regulation or procedure pertaining to an individual's term or conditions of employment which is alleged to have been violated, and

(III) the resolution sought.

b) The Department Head shall request that the supervisor provide a written statement of the facts and actions taken as related to the grievance raised by the employee. The department head shall review the facts and render a decision and reasons for the decision in writing to the employee within 5 workdays after the receipt of the grievance.

C) Step 3.

1) If the grievance still exists, the employee may submit the grievance in writing as presented in step 2, to the Director of Labor and Employee Relations, along with a copy of the response of the department head, as provided in step 2. This must be done within 5 workdays after receipt of the decision of the department head in step 2.

2) The Director of Labor and Employee Relations or his/her designee shall arrange for a fact finding meeting with the employee(s) who filed the grievance and the administrative officers involved. This meeting should be held within 10 workdays of the receipt of the grievance submitted to Labor and Employee Relations. The purpose of the meeting is for the Director of Labor and Employee Relations or his/her designee to collect the facts and information necessary to make a reasonable decision as to whether a grievance exists and/or to satisfactorily resolve the grievance. The Director of Labor and Employee Relations or his/her designee will have up to 5 workdays from the date of the meeting to render a written decision as to whether a grievance exists and/or offer a resolution. This decision and resolution must be presented to the employee and any other parties to the grievance.

3) If the grievance is not resolved, the employee may pursue resolution through a hearing panel. See step 4 below.

D) Step 4.

It is preferred that the grievance be resolved through the steps described above. But, if the grievance is not resolved at step 1, 2 or 3, the employee may submit a request in writing to the Director of Labor and Employee Relations or designee, with a copy to the Chancellor of Southern Illinois University Carbondale, that the Labor and Employee Relations Office coordinate the formation of a hearing panel to review the grievance and the Hearing Panel will make a written recommendation

to the Chancellor. This request must be made within 5 workdays after a decision is reached at step 3.

1) Hearing Panel Members and Selection.

- a) The hearing panel, if requested, shall consist of three members:
  - (I) one SIUC employee selected by the grievant
  - (II) one SIUC employee selected by the university, and
  - (III) one SIUC employee mutually selected by the above two panel members
- b) Panel members (1) and (2) shall be designated within 5 workdays of the submission of the request for a Hearing Panel, and they shall select the third panel member within an additional 5 workdays. The grievant and the responding party may challenge the selection of the other party's panel selection for cause within 3 workdays. The Director of Labor and Employee Relations or designee will decide whether the selected individual should be excused from service. Such an individual will be replaced using the same procedure as the initial selection.
- c) Hearing panel members must be SIUC employees. The following individuals may not be selected to serve on a panel:
  - (I) an individual employed in the same department as either party to the grievance
  - (II) members of the family or household of any party to the grievance
  - (III) staff members of Human Resources, Labor and Employee Relations, Office of the University Ombudsman or General Counsel
  - (IV) individuals who participated in the decision which led to the grievance or in the supervisor's chain of command
  - (V) individuals with a personal or financial interest in the outcome of the grievance
  - (VI) the grievant's union steward or business agent
  - (VII) other individuals whose participation on the panel may constitute a conflict of interest or the appearance of a conflict of interest.
- d) The mutually selected panel member shall chair the committee. The hearing panel shall have no independent internal investigatory powers. The hearing panel shall conduct the hearing and render its written recommendation to the Chancellor within

15 workdays of its formation. See Hearing Panel Procedures, Hearing Procedures and Hearing Panel Recommendation sections below.

## 2) Hearing Panel Procedures

- a) Prior to the hearing, the Director of Labor and Employee Relations or designee will meet with the members of the panel. Copies of documentation related to the grievance, including the written grievance and the written responses to the grievance made at each step in the grievance procedure, will be distributed to panel members. The Director of Labor and Employee Relations or designee will review the hearing procedures to assure that all aspects of the procedures are clearly understood.
- b) Labor and Employee Relations Office will provide space, audio tapes, and tape recording equipment for the hearing. The panel chair will be responsible for scheduling meetings, making meeting arrangements with Labor and Employee Relations, conducting the hearing in accordance with applicable rules, and preparing and submitting the panel's written recommendations.
- c) The date and time set for the hearing shall be acceptable to all parties and shall allow time for the panel to deliberate and reach a decision within the required time frame.
- d) The parties to the grievance will provide the panel chair with the names of potential witnesses at least 2 full workdays in advance of the hearing. Witnesses should be limited to individuals with direct knowledge that has a bearing on the grievance. The panel chair will provide the parties to the grievance a complete list of potential witnesses and copies of all documents submitted at least 24 hours in advance of the hearing.
  - (I) Each party to the grievance will be responsible for notifying his/her representative and witnesses of the location of the hearing and for arranging for their presence at the appropriate time, in accordance with direction from the panel chair.
  - (II) Any individual scheduled to make a statement may present relevant documents for the consideration of the hearing panel. Such documents must be submitted to the panel chair at least 2 full workdays in advance of the hearing.

## 3) Hearing Procedures

- a) The hearing shall be closed to the public. The parties to the grievance and their respective representatives may be present for

the entire hearing. The employee will serve as his or her own spokesperson in presenting information in support of the grievance, unless a spokesperson other than the employee is requested by the employee and approved by the Hearing Panel. The grievant may choose to retain general counsel at his/ her own expense. Such general counsel's participation during the hearing will be limited to advising the employee. Witnesses are permitted to be present only when providing information or answering questions from either party or the panel.

- b) A tape recording of the hearing shall be made of the entire proceedings. The recording is for the reference of the hearing panel members in their consideration of the information presented. No transcript of the recording will be produced unless requested by either party to the grievance. The party making the request will pay the cost of producing the transcript. At the conclusion of the hearing, Labor and Employee Relations will retain the tape in a sealed envelope until all subsequent actions involving the grievance are concluded and all time for appeal under the applicable university policy has expired. The tape will then be destroyed, unless either party to the grievance submits a specific written request to the Director of Labor and Employee Relations to retain the tape.
- c) The chair of the panel shall direct the conduct of the hearing process. The hearing shall normally begin with brief opening statements by each party. Opening statements normally should not exceed 30 minutes each. The grievant then shall present his /her case first, including witnesses, followed by the respondent and the respondent's witnesses.
  - (I) Each individual testifying will have the opportunity to make a statement.
  - (II) The statement will normally be followed by (a) questioning by the panel, then (b) questioning by the other party or parties to the complaint.
  - (III) Finally the grievant may make a closing statement, followed by a closing statement by the respondent.

The panel chair has the authority to alter the order of testimony, if needed, in the interest of the orderly and timely processing of the grievance.

- d) Only information relevant to the grievance shall be introduced. Complaints or concerns that were not raised in the original grievance are to be referred back to step 1 of the grievance



process, to proceed only if that complaint is timely. The panel chair shall:

- (I) resolve questions of relevancy
  - (II) have the authority to limit statements that are duplicative or irrelevant, and
  - (III) determine the appropriateness of any question raised.
- e) Any procedural questions that cannot be resolved by the panel chair shall be directed to the Director of Labor and Employee Relations.

#### 4) Hearing Panel Recommendation

- a) The decision of the panel shall normally be reached by consensus. If no consensus can be reached, majority shall rule. The panel chair will forward a report of the panel's findings and recommendations to the Chancellor, with a copy to the Director of Labor and Employee Relations. The report shall include the following information:
- (I) a brief summary of the hearing, including the issues considered
  - (II) the panel's findings and conclusions
  - (III) the panel's recommendations for corrective action, if any
  - (IV) any additional recommendations thought to be in the interest of sound university-employee relations.
- b) The Chancellor shall review the grievance and the Hearing Panel recommendation and make a decision regarding the grievance filed by the employee. The Chancellor shall notify the parties to the grievance, the appropriate vice chancellor/provost, and the Director of Labor and Employee Relations in writing of his/her decision as promptly as possible but within 10 workdays following the receipt of the Hearing Panel recommendation.

#### E) Step 5.

Further appeal may be made in accordance with Article VI, Section 2, of the Bylaws of the Board of Trustees.

#### V) Steps in a Grievance Procedure for a Grievance against Labor and Employee Relations.

##### A) Step 1.

If the grievance is against Labor and Employee Relations, such as the misapplication or misinterpretation of this Grievance Procedure, the

employee must submit the issue of grievance in writing to the Director of Labor and Employee Relations, within 10 workdays from the time in which the employee was aware of the alleged violation which gives rise to the grievance. The Director of Labor and Employee Relations or his/her designee shall arrange for a fact finding and resolution meeting with the employee(s) who filed the grievance and Labor and Employee Relations employees involved. This meeting should be held within 10 workdays of the receipt of the grievance submitted to the director of Labor and Employee Relations. The purpose of the meeting is for the Director of Labor and Employee Relations or his/her designee to collect the facts and information necessary to review the grievable issue(s) and attempt to reach a resolution with the parties involved. The Director of Labor and Employee Relations or his/her designee will have up to 5 workdays from the date of the meeting to render a written decision and present an acceptable written resolution to the parties involved.

B) Step 2.

- 1) If the matter is not satisfactorily resolved, the employee may submit the grievance in writing to the Vice Chancellor for the Labor and Employee Relations reporting line. This must be done within 5 workdays after the receipt of the decision of the Director of Labor and Employee Relations as issued in step 1, above. The written grievance must be signed by the aggrieved and must include:
  - a) a statement of facts as presented in step 1 (above) and the written decision as issued by the Director of Labor and Employee Relations or his/her designee in step 1.
  - b) the specific university policy, regulation, or procedure pertaining to an individual's term or conditions of employment which is alleged to have been violated, and
  - c) the resolution sought.
- 2) The Vice Chancellor for the Labor and Employee Relations reporting line shall review the facts and render a decision and reasons for the decision in writing to the employee within 5 workdays after the receipt of the grievance.
- 3) If the grievance is not resolved, the employee may pursue resolution through a hearing panel. See step 3 below.

C) Step 3.

It is preferred that the grievance be resolved through the steps described above. But, if the grievance is not resolved at steps 1 or 2, the employee may submit a request in writing to the Director of Labor and Employee Relations or designee, with a copy to the Chancellor of Southern Illinois

University Carbondale, that the Labor and Employee Relations Office coordinate the formation of a hearing panel to review the grievance and the Hearing Panel will make a written recommendation to the Chancellor. This request must be made within 5 workdays after a decision is reached at step 2.

1) Hearing Panel Members and Selection.

- a) The hearing panel, if requested, shall consist of three members:
  - (I) one SIUC employee selected by the grievant
  - (II) one SIUC employee selected by the university, and
  - (III) one SIUC employee mutually selected by the above two panel members
- b) Panel members (1) and (2) shall be designated within 5 workdays of the submission of the request for a Hearing Panel, and they shall select the third panel member within an additional 5 workdays. The grievant and the responding party may challenge the selection of the other party's panel selection for cause within 3 workdays. The Director of Labor and Employee Relations or designee will decide whether the selected individual should be excused from service. Such an individual will be replaced using the same procedure as the initial selection.
- c) Hearing panel members must be SIUC employees. The following individuals may not be selected to serve on a panel:
  - (I) an individual employed in the same department as either party to the grievance
  - (II) members of the family or household of any party to the grievance
  - (III) staff members of Human Resources, Labor and Employee Relations or General Counsel
  - (IV) individuals who participated in the decision which led to the grievance or in the supervisor's chain of command
  - (V) individuals with a personal or financial interest in the outcome of the grievance
  - (VI) the grievant's union steward or business agent
  - (VII) other individuals whose participation on the panel may constitute a conflict of interest or the appearance of a conflict of interest.
- d) The mutually selected panel member shall chair the committee. The hearing panel shall have no independent internal

investigatory powers. The hearing panel shall conduct the hearing and render its written recommendation to the Chancellor within 15 workdays of its formation. See Hearing Panel Procedures, Hearing Procedures and Hearing Panel Recommendation sections below.

## 2) Hearing Panel Procedures

- a) Prior to the hearing, the Director of Labor and Employee Relations or designee will meet with the members of the panel. Copies of documentation related to the grievance, including the written grievance and the written responses to the grievance made at each step in the grievance procedure, will be distributed to panel members. The Director of Labor and Employee Relations or designee will review the hearing procedures to assure that all aspects of the procedures are clearly understood.
- b) Labor and Employee Relations Office will provide space, audio tapes, and tape recording equipment for the hearing. The panel chair will be responsible for scheduling meetings, making meeting arrangements with Labor and Employee Relations, conducting the hearing in accordance with applicable rules, and preparing and submitting the panel's written recommendations.
- c) The date and time set for the hearing shall be acceptable to all parties and shall allow time for the panel to deliberate and reach a decision within the required time frame.
- d) The parties to the grievance will provide the panel chair with the names of potential witnesses at least 2 full workdays in advance of the hearing. Witnesses should be limited to individuals with direct knowledge that has a bearing on the grievance. The panel chair will provide the parties to the grievance a complete list of potential witnesses and copies of all documents submitted at least 24 hours in advance of the hearing.
  - (I) Each party to the grievance will be responsible for notifying his/her representative and witnesses of the location of the hearing and for arranging for their presence at the appropriate time, in accordance with direction from the panel chair.
  - (II) Any individual scheduled to make a statement may present relevant documents for the consideration of the hearing panel. Such documents must be submitted to the panel chair at least 2 full workdays in advance of the hearing.

## 3) Hearing Procedures

- a) The hearing shall be closed to the public. The parties to the grievance and their respective representatives may be present for the entire hearing. The employee will serve as his or her own spokesperson in presenting information in support of the grievance, unless a spokesperson other than the employee is requested by the employee and approved by the Hearing Panel. The grievant may choose to retain general counsel at his/ her own expense. Such general counsel's participation during the hearing will be limited to advising the employee. Witnesses are permitted to be present only when providing information or answering questions from either party or the panel.
- b) A tape recording of the hearing shall be made of the entire proceedings. The recording is for the reference of the hearing panel members in their consideration of the information presented. No transcript of the recording will be produced unless requested by either party to the grievance. The party making the request will pay the cost of producing the transcript. At the conclusion of the hearing, Labor and Employee Relations will retain the tape in a sealed envelope until all subsequent actions involving the grievance are concluded and all time for appeal under the applicable university policy has expired. The tape will then be destroyed, unless either party to the grievance submits a specific written request to the Director of Labor and Employee Relations to retain the tape.
- c) The chair of the panel shall direct the conduct of the hearing process. The hearing shall normally begin with brief opening statements by each party. Opening statements normally should not exceed 30 minutes each. The grievant then shall present his /her case first, including witnesses, followed by the respondent and the respondent's witnesses.
  - (I) Each individual testifying will have the opportunity to make a statement.
  - (II) The statement will normally be followed by (a) questioning by the panel, then (b) questioning by the other party or parties to the complaint.
  - (III) Finally the grievant may make a closing statement, followed by a closing statement by the respondent.

The panel chair has the authority to alter the order of testimony, if needed, in the interest of the orderly and timely processing of the grievance.

- d) Only information relevant to the grievance shall be introduced. Complaints or concerns that were not raised in the original grievance are to be referred back to step 1 of the grievance process, to proceed only if that complaint is timely. The panel chair shall:
  - (I) resolve questions of relevancy
  - (II) have the authority to limit statements that are duplicative or irrelevant, and
  - (III) determine the appropriateness of any question raised. Any procedural questions that cannot be resolved by the panel chair shall be directed to the Director of Labor and Employee Relations.

#### 4) Hearing Panel Recommendation

- a) The decision of the panel shall normally be reached by consensus. If no consensus can be reached, majority shall rule. The panel chair will forward a report of the panel's findings and recommendations to the Chancellor, with a copy to the Director of Labor and Employee Relations. The report shall include the following information:
  - (I) a brief summary of the hearing, including the issues considered
  - (II) the panel's findings and conclusions
  - (III) the panel's recommendations for corrective action, if any
  - (IV) any additional recommendations thought to be in the interest of sound university-employee relations.
- b) The Chancellor shall review the grievance and the Hearing Panel recommendation and make a decision regarding the grievance filed by the employee. The Chancellor shall notify the parties to the grievance, the appropriate vice chancellor/provost, and the Director of Labor and Employee Relations in writing of his/her decision as promptly as possible but within 10 workdays following the receipt of the Hearing Panel recommendation.

#### D) Step 4.

Further appeal may be made in accordance with Article VI, Section 2, of the Bylaws of the Board of Trustees.

#### b. Working Hours

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

I) Work Week

Most offices at SIU are open from 8:00 A.M. to 4:30 P.M., Monday through Friday. The basic work week for most full-time employees consists of 5 consecutive 7 1/2 -hour work days (8:00-4:30 with a one-hour lunch period) or a total of 37 1/2 hours per week. A small number of employees, primarily in skilled crafts classifications such as carpenter, electrician, etc., work a 40-hour week. Scheduled work days may vary in departments with round-the-clock operations. In cases where employees are required to work shifts other than 8:00-4:30, work hours are established to meet the needs of the university and are discussed with candidates prior to extending an offer to hire.

II) Flex Time

Flex-time is intended to assure that the university's goals are met in an orderly and efficient manner, at the same time permitting employees and their supervisors to establish work schedules which recognize individual needs. Individual work schedules, which must total 37 1/2 or 40 hours per week, depending on the job classification, and include a minimum lunch break of 30 minutes, must be approved in advance by the department head. Because of the varied nature of university departments, each department head must determine the extent to which flex-time may be used and may require that work schedules be adjusted from time to time to conform to changing departmental needs.

3. Faculty and A/P

a. Academic Freedom: Rights and Responsibilities

[The following statement is Article VI, Section 1 of the Statutes of the Board of Trustees of Southern Illinois University.]

- I) Southern Illinois University shall operate under the following principles of academic freedom and responsibility. The purpose of this statement is to promote public understanding and support of academic freedom and tenure and agreement upon procedures to assure them in colleges and universities. Institutions of higher education are conducted for the common good and not to further the interest of either individual teacher or the institution as a whole. (The word "teacher" as used in this document is understood to include the investigator who is attached to an academic institution without teaching duties.) The common good depends upon the free search for truth and its free exposition.
- II) Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of

the student to freedom in learning. It carries with it duties correlative with rights.

- A) Teachers are entitled to full freedom in research and in the publication of the results, subject to the adequate performance of their other academic duties; but research for pecuniary return should be based upon an understanding with the authorities of the institution.
- B) Teachers are entitled to freedom in the classroom in discussing their subjects, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subjects. Limitations of academic freedom because of religious or other aims of the institution should be clearly stated in writing at the time of the appointment.
- C) College or university teachers are citizens, members of a learned profession, and officers of educational institutions. When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As persons of learning and educational officers, they should remember that the public may judge their profession and their institutions by their utterances. Hence they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinion of others, and should make every effort to indicate that they are not institutional spokesmen<sup>12</sup>.

b. Disciplinary Action and Termination for Cause

[The following was approved on May 26, 1993, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

l) Introduction

- A) The following statement, relating to the faculty and administrative/professional staff (the latter to be hereafter referred to as staff) of Southern Illinois University Carbondale, 1) provides guidelines for addressing allegations of misconduct or unsatisfactory job performance, and 2) describes the process to be followed where charges may result in termination for cause. [Procedures applicable to civil service employees are found in the State Universities Civil Service System of Illinois Statute and Rules.]
- B) Faculty and staff who fail to comply with any policies or regulations of the university are subject to disciplinary action depending upon the nature and severity of the infraction. Certain university policies directly address specific categories of misconduct and contain within them procedures for handling charges, e.g., research misconduct and sexual harassment.

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<sup>12</sup> The preceding section is a paraphrase from the Bulletin of the American Association of University Professors Spring 1950, pp. 45-49.



Disciplinary action for violation of other university rules and regulations shall be implemented pursuant to the procedures herein set forth.

- C) It is the intent of this statement to provide a consistent procedural framework for resolving issues of performance and conduct between faculty/staff and supervisors and for avoiding erroneous or unjust disciplinary actions on the part of supervisory personnel.

## II) Sanctions

- A) Disciplinary sanctions for violation of university policies or regulations or other performance-related cause, which may be determined in accordance with this statement, include the following:
  - 1) Disciplinary reprimand or warning. An immediate supervisor may reprimand or warn a faculty/staff member concerning unsatisfactory performance or unacceptable conduct, either orally or in writing, as a disciplinary measure.
  - 2) Disciplinary probation. A department head may inform a faculty/staff member in writing that he/she has been placed on disciplinary probation, indicating at such time any conditions accompanying such status.
  - 3) Disciplinary suspension. A department head, with prior approval from the next administrative level, may impose upon a faculty/staff member disciplinary suspension without pay for up to 30 calendar days.
  - 4) Termination of employment for cause (see procedures in section IV, below).
- B) An employee may also be temporarily relieved of assigned duties with pay or may be suspended with pay pending investigation of an alleged violation.
- C) Copies of any documents used in determining or imposing disciplinary sanction shall be placed in the faculty/staff member's personnel file in accordance with the requirements of the SIUC policy on personnel files. Previous disciplinary sanctions may be taken into account in considering further discipline.

## III) Disciplinary Procedures

- A) Before any formal (i.e., written) disciplinary sanction for violation of university policies or regulations or other misconduct may be imposed, a faculty/staff member shall be afforded 1) notice in writing of the specific charge of misconduct, 2) a meaningful opportunity to be heard and to present any relevant information in response to the charge, 3) the right to assistance in such proceedings by an adviser of his/her choice, and 4)

an opportunity for appeal, pursuant to the applicable grievance procedure.

- B) Unless grounds are clearly present warranting implementation of termination proceedings, employees shall be afforded corrective discipline utilizing counseling, warnings, and/or suspension, as the facts and circumstances dictate.
- C) In cases where disciplinary suspension without pay, but not termination, is proposed, the written notice to the faculty/staff member shall include the reasons for and length of the proposed suspension, providing copies of any documents, or the opportunity to review such documents, on which this determination has been based.

#### IV) Procedures for Termination for Cause

- A) When allegations or other information relating to the conduct or performance of a faculty/staff member in his/her professional capacity may lead to termination for cause, the procedures herein described shall be followed. These procedures apply to tenured faculty appointments, as indicated in section IV.B of Tenure Policies and Procedures (Personnel Policies, III.C.5), and to non-tenured faculty or staff appointments prior to their expiration. They are not applicable to the nonrenewal of term or continuing appointments, either by expiration or by advance notice, as set forth in section II.C of Tenure Policies and Procedures (Personnel Policies, III.C.5) or the policy on nonreappointment affecting administrative/professional staff (Personnel Policies, II.C.5).
- B) In cases where other university procedures address allegations of specific forms of faculty/staff misconduct, e.g., for research misconduct or sexual harassment, those are the procedures to be followed. Charges considered under those procedures may result in recommendations for disciplinary sanctions, up to and including termination of employment.
- C) When termination for cause of a faculty/staff member's appointment is being considered, the appropriate administrative officer (usually the dean and/or unit head) should ordinarily first discuss the matter with the faculty/staff member in personal conference. Although the matter may be resolved by mutual consent at this point, if a mutually satisfactory resolution does not result, the administrative officer may undertake further inquiry into the situation to determine whether termination proceedings should be instituted. The administrative officer may appoint adviser(s) to gather and review the relevant facts and to make a recommendation regarding such determination. The faculty/staff member shall be given an opportunity to provide information relevant to the allegations or concerns. This review process shall, to the greatest extent possible, be kept confidential.
- D) If the administrative officer determines that proceedings for termination should be instituted, a recommendation to that effect, with written

charges supporting that action, should be submitted to the appropriate vice chancellor. [In this document, references to vice chancellor shall be understood to include all administrative officers reporting to the chancellor.] The charges shall contain a clear statement setting forth the cause(s) for termination in sufficient detail to inform the faculty/staff member of the nature of the conduct on which the charges are based. Although determining if adequate cause for termination exists must be made on a case-by-case basis, such a finding shall be related to the behavior and performance of the faculty/staff member in his/her professional capacity and includes such matters as 1) dishonesty or other unethical conduct; 2) demonstrated incompetence, failure to perform reasonable assignments, or neglect of duty; 3) violation of laws or university policies, such as the prohibition against unlawful discrimination, sexual harassment, illegal use of controlled substances, etc.; and 4) abuse of the employee's position of employment or misuse of university resources.

- E) If the vice chancellor approves the written charges for termination, notice of the charges, in person or by certified mail, shall be served on the faculty/staff member by that officer or designee. With the notice of written charges for termination, the faculty/staff member shall be provided copies of, or an opportunity to review, any relevant documents before a hearing on the matter, as described in IV.F, below, is conducted.
- F) The vice chancellor shall convene a hearing on the charges, the participants at such hearing being the vice chancellor or designee, the faculty/staff member, other administrative officers as appropriate, and the faculty/staff member's adviser, if any.
  - 1) The faculty/staff member may submit a written response to the charges, with supporting documentation.
  - 2) The hearing shall be held on a date not less than 10 university work days, nor more than 30, following the receipt of charges;
  - 3) At the hearing, the faculty/staff member shall be apprised of any additional evidence in support of the charges and shall be allowed to rebut the charges, offering explanation of his/her position in the matter.
  - 4) The faculty/staff member shall be entitled to be accompanied by an adviser of his/her choice at the hearing.
- G) Within 5 university work days following the hearing, the vice chancellor will make one of the following determinations on the case: 1) cause for termination exists and termination is warranted; 2) cause for termination does not exist, but a lesser disciplinary sanction is warranted; 3) no cause for termination exists, and no disciplinary sanction is warranted. The vice chancellor will notify the faculty/staff member in writing of his/her

finding in the matter. A decision that termination for cause or other sanction is warranted shall indicate the effective date of such termination or disciplinary sanction. If a formal grievance is undertaken in accordance with section V, below, termination of employment or other disciplinary sanction shall not occur until a final decision has been rendered by the Chancellor of SIUC.

H) Formal Grievance

If the faculty/staff member believes a termination is without adequate cause, he/she shall have the opportunity to receive a formal hearing at the level of the Chancellor of SIUC in accordance with applicable university grievance procedures. Other disciplinary sanctions may also be appealed at the appropriate level, pursuant to the grievance procedures. Any grievance must be filed within the time limits specified in the applicable grievance procedure.

I) Decision by Chancellor

If the decision of the chancellor, following appeal under the university grievance procedures, affirms the determination of the vice chancellor, the faculty/staff member may submit an application for appeal to the Board of Trustees, in accordance with the requirements of the Board of Trustees Bylaws (VI.2). The decision of any Board of Trustees review is final and may not be appealed.

c. Code of Ethics: Faculty

[The first two paragraphs of the following statement is a preamble to the Code of Ethics approved by the Faculty Council on May 9, 1972, with editorial changes made by the Faculty Senate on June 19, 1979. The balance of the document, with one paragraph added, appears as Article VI, Sections 2 and 3 of the Statutes of the Board of Trustees of Southern Illinois University.]

- I) In developing a statement of faculty responsibilities and ethical standards, we subscribe to the belief, long held by the learned professions, that self-regulation is preferable to any externally imposed discipline.
- II) In a university faculty it is, therefore, desirable that the most stringent obligations be laid upon individual professors; that, so far as possible, any serious breach of duties be judged by colleagues who are well acquainted with the problems and practices of a specialized field; and that only in cases of the most serious violations of professional responsibilities shall the academic profession regulate itself by calling upon a group representative of the whole university to deal with faults that have been avoided neither by individual self-control nor by departmental discipline. We endorse the edited statement of professional ethics by the American Association of University Professors, which is as follows:

- III) Professors, guided by a deep conviction of the worth and dignity of the advancement of knowledge, recognize the special responsibilities placed upon them. Their primary responsibility to their subject is to seek and to state the truth as they see it. To this end they devote their energies to developing and improving scholarly competence. They accept the obligation to exercise critical self-discipline and judgment in using, extending, and transmitting knowledge. They practice intellectual honesty. Although they may follow subsidiary interests, these interests must never seriously hamper or compromise freedom of inquiry.
- IV) As teachers, professors encourage the free pursuit of learning in their students. They hold before them the best scholarly standards for their discipline. They demonstrate respect for students as individuals and adhere to their proper role as intellectual guide and counselor. They make every reasonable effort to foster honest academic conduct and to assure that the evaluation of students reflects their true merit. They respect the confidential nature of the relationship between professor and student. They avoid any exploitation of students for their private advantage and acknowledge significant assistance from them. They protect students' academic freedom.
- V) As colleagues, professors have obligations that derive from common membership in the community of scholars. They respect and defend the free inquiry of associates. In the exchange of criticism and ideas they show due respect for the opinion of others. They acknowledge academic debts and strive to be objective in the professional judgment of colleagues. They accept their share of faculty responsibilities for the governance of the institution.
- VI) As members of their institution, professors seek above all to be effective teachers and scholars. Although they observe the stated regulations of the institution, provided they do not contravene academic freedom, they maintain the right to criticize and seek revision. Professors determine the amount and character of the work they do outside the institution with due regard to their paramount responsibilities within it. When considering the interruption or termination of service, professors recognize the effect of their decision upon the program of the institution and give due notice of their intentions.
- VII) As members of a community, professors have the rights and obligations of citizens. They measure the urgency of these obligations in the light of their responsibilities to their subject, to their students, to their profession, and to their institution. When they speak or act as private persons, they avoid creating the impression that they speak or act for their college or university. As citizens engaged in a profession that depends upon freedom for its health and integrity, professors have a particular obligation to promote conditions of free inquiry and to further public understanding of academic freedom.
- VIII) [The preceding five paragraphs paraphrase a document approved at the Fifty-second Annual Meeting and published in the Bulletin of the American Association of University Professors, 55 (1969), 86-87.]

- IX) Cognizant of the dangers to academic freedom that may arise from its misunderstanding and abuse, we subscribe to the following principles defined in the statement on freedom and responsibility unanimously approved on October 31, 1970, by the Council of the American Association of University Professors, with minor editorial revisions:
- X) Membership in the academic community imposes on students, faculty members, administrators, and trustees an obligation to respect the dignity of others, to acknowledge their right to express differing opinions, and to foster and defend intellectual honesty, freedom of inquiry and instruction, and free expression on and off the campus. The expression of dissent and the attempt to produce change, therefore, may not be carried out in ways which injure individuals or damage institutional facilities or disrupt the classes of teachers or colleagues. Speakers on campus not only must be protected from violence but given an opportunity to be heard. Those who seek to call attention to grievances must not do so in ways that significantly impede the functions of the institution.
- XI) Students are entitled to an atmosphere conducive to learning and to even-handed treatment in all aspects of the teacher-student relationship. Faculty members may not refuse to enroll or teach students on the grounds of their beliefs or the possible uses to which they may put the knowledge to be gained in a course. Students should not be forced by the authority inherent in the instructional role to make particular personal choices as to political action or their own part in society. Evaluation of students and the award of credit must be based on academic performance professionally judged and not on matters irrelevant to that performance, such as personality, race, religion, degree of political activism, gender, personal beliefs, etc.
- XII) It is the teachers' mastery of their subject and their own scholarship which entitle them to the classroom and to freedom in the presentation of their subject. Thus, it is improper for instructors persistently to intrude materials which have no relation to the subject matter of the course as announced to their students and as approved by the faculty in their collective responsibility for the curriculum.
- XIII) Because academic freedom has traditionally included the instructors' full freedom as citizens, most faculty members face no insoluble conflicts between the claims of politics, social action, and conscience, on the one hand, and the claims and expectations of their students, colleagues, and institutions, on the other. If such conflicts become acute, and the instructors' attention to their obligations as citizens and moral agents precludes the fulfillment of substantial academic obligations, they cannot escape the responsibility of that choice, but should either request a leave of absence or resign their academic position.

d. Grievance Procedure for A/P Staff

[The following was approved on September 14, 1989, with amendments on June 22, 1998, and July 20, 2000, in accordance with provisions set forth in SIU Board of Trustees 2Policies C.3.d.]

I) Introduction

- A) Each member of the SIUC administrative and professional staff shall have the right to appeal for redress of a grievance through established channels. If appeal through normal administrative channels fails to resolve the problem, a formal grievance may be filed. A grievance may be considered by the JRB whenever a grievant asserts that s/he has been seriously harmed, or grievant's work environment has been rendered unsafe or untenable due to, but not limited to, respondent's violation of state or federal law, violation of a University policy, dishonesty, inequitable treatment, unethical behavior, unprofessional conduct, unreasonable demands, verbal abuse, or punitive behavior. This document outlines the procedures for informal appeals and for formal grievances and establishes a Judicial Review Board (JRB).
- B) Access to these channels is available to administrative/professional staff members or those who were administrative/professional staff members when the action or inaction leading to the appeal or grievance occurred.
- C) If a unit has a grievance procedure separate from this and approved by the chancellor, a grievance may be processed under that unit's procedure. A staff member who elects to have a grievance panel hearing under his/her unit's grievance procedure may not have a second grievance panel hearing under this Grievance Procedure for A/P Staff. If the grievant elects to appeal to the chancellor, the administrator receiving the recommendation of the unit's grievance panel shall forward the recommendation to the chancellor.
- D) In general, a problem should be resolved within the university at the level at which it arose. Persons or agencies outside the university should not be asked to rule on such matters until university channels are exhausted.

II) Appeal Through Administrative Channels

- A) Procedure: Before any formal grievance is filed with the JRB or the chancellor, there must be a discussion between the staff person, hereafter referred to as the grievant, and the administrative officer whose action or inaction is being questioned, hereafter referred to as the respondent. The purpose of this discussion is to seek informal resolution of the matter. In case of doubt as to the administrator who should be identified as respondent, the grievant's immediate supervisor is the appropriate administrative officer with whom to begin this process. If the matter is not resolved through discussion, the grievant may proceed further by providing a written statement of the appeal and relief sought to the respondent. The grievant may appeal in writing at each

administrative level up to and including the vice chancellor (or equivalent head) of a responsibility area.

- B) Time Limits: A maximum of 40 working days shall be allowed for the informal appeals process, calculated from the date the grievant becomes aware of an action or inaction which he/she chooses to appeal.

### III) Formal Grievance

#### A) Filing a Grievance with the JRB

- 1) The grievant shall file the grievance upon determination of the inability to come to a settlement informally through administrative channels, but in no case later than 40 working days after the grievant has become aware of the action which is being grieved.
- 2) Failure of the grievant to meet filing deadlines shall result in dismissal of the grievance except as provided in A.5 below.
- 3) The formal grievance shall include a written statement and supporting documentation describing
  - a) efforts made to resolve the dispute through administrative channels, including the date, time, and place of such informal discussion; and
  - b) the appeal and relief sought.
  - c) A copy of the grievance shall be provided to the respondent.
  - d) All proceedings and time limits of this grievance procedure are subject to suspension for the period of time of an approved university leave or of an incapacitating illness affecting any one who is party to the grievance. It shall be the responsibility of the JRB to determine the validity of such suspension and to certify when the conditions of the suspension have ceased, thus re-starting the time clock of the grievance procedure.
  - e) All time limits and suspensions for cause may be waived upon written agreement of all parties to a grievance, subject to certification by the JRB.
  - f) If the JRB fails to respond within specified time periods, the grievant may exercise his/her option to submit the appeal directly to the chancellor.
  - g) A grievance filed with the JRB shall be reviewed by that Board to ascertain the merit of the complaint to proceed with a hearing. The JRB may request a formal written response from the respondent. Within 10 working days, the JRB will determine if the grievance will be submitted for a hearing or will be rejected. The JRB may determine that the facts are not in dispute and render a



recommendation to the chancellor without a formal hearing in accordance with Section III.A.9 below.

- h) If the JRB determines that a grievance panel is not required for a formal hearing due to lack of merit of the grievance or the JRB is prepared to render a recommendation based on facts not in dispute,
  - (I) the JRB shall submit a written recommendation to that effect, including supporting rationale, to the chancellor with copies to the grievant and the respondent.
  - (II) Within 10 working days of receipt of the JRB recommendation, the chancellor shall notify the grievant if his/her decision supports or reverses the JRB recommendation, providing a copy of that decision to the JRB and to the respondent.
  - (III) If the chancellor decides that the grievance has merit, he/she will either remand the case to the JRB for a formal hearing or accept the grievance for adjudication under Article III.B.
- i) If the grievance is accepted by the JRB, the grievant and the respondent shall be notified in writing and the JRB will name a 3-member panel from its roster as provided in Article VIII.F.

#### B) Filing a Grievance with the Chancellor

If the aggrieved wishes to bypass the JRB, the grievance may be filed directly with the chancellor for resolution at that level, following the procedure described in III.A,1-4 above. The chancellor shall render a decision within 15 working days. Those grievances filed directly with the chancellor shall be resolved in a manner deemed appropriate by the chancellor. If the grievant bypasses the JRB, the chancellor may not refer the case to the JRB.

#### C) Time Limits

- 1) All formal grievances must be resolved within 50 working days.
- 2) This period shall begin with the date of receipt of the formal grievance filed with the JRB or with the chancellor and shall conclude with the date of receipt of the chancellor's decision.
- 3) A continuance beyond the 50-working-day period shall be allowed with the written concurrence of the grievant, respondent, and the JRB.
- 4) In the event that a grievance is not settled within the 50-working-day period, and a continuance is not accepted by all parties, either the grievant or respondent may petition the chancellor for a formal resolution.

#### IV) Cross-Constituency Grievances

- A) In cross-constituency cases involving an administrative/professional grievant and a respondent from a different constituency, the grievance shall be heard by a panel of three members.
- 1) The grievant shall obtain from his/her constituency body a list of the members of that constituency's judicial review board. Similarly, the respondent shall obtain from his/her constituency body a list of the members of that constituency's judicial review board.
  - 2) The grievant and respondent shall each select a member from his/her judicial review board.
  - 3) The two persons so selected shall select the third member of the panel from one of the two judicial review boards.
  - 4) In the event that the two panel members are unable to select a third member, the chairs of the respective judicial boards shall be consulted to assist in the selection process.
  - 5) The panel of three shall decide under which constituency's grievance procedure the case shall be heard.

#### V) The Right to Counsel

At all stages of a grievance the grievant and the respondent shall have the right to have an adviser of his/her choice. An adviser may, subject to the consent of the JRB panel, make written and oral presentations.

#### VI) Withdrawal of Grievance

The grievant may withdraw a formal grievance at any stage of the proceedings but may not reinstate the grievance once it is withdrawn. The withdrawal shall be made in writing to the individual or body hearing the case.

#### VII) Formal Hearing before JRB Panel

##### A) Preliminary Requirements

- 1) The written appeal, supporting documentation, a list of witnesses, and the name of the grievant's adviser shall be made available to the panel.
- 2) A formal written statement from the respondent, supporting documentation, a list of witnesses, and the name of the respondent's adviser shall be provided to the panel.
- 3) The date, time, and place of the hearing shall be sent to the grievant, the respondent, and the A/P constituency office. Every effort shall be made to accommodate the schedules of those involved in the hearing.

- 4) The responsibility for the presence of witnesses rests with the grievant and the respondent. If a witness cannot be present, an original notarized statement from the witness may be submitted to the panel, with copies for each panel member and for the second party.
- 5) All character witnesses shall be excluded.
- 6) All documents and correspondence shall be made available to the panel and both parties prior to the hearing. Documents deemed necessary for adjudication of the grievance shall be made available to the panel and both parties. Normally, no document shall be entered after the hearing begins; however, any document which was unavailable prior to the hearing may be entered by petitioning the panel in writing. The panel shall make the final decision on admissibility of a document.

B) Hearing Procedure

- 1) The chair of the panel shall preside at the hearing.
- 2) The burden of proof rests with the grievant, hence the petitioner's argument shall be presented first. The respondent and the panel may question the grievant and the grievant's witness(es).
- 3) The respondent's arguments shall then be presented. The grievant and the panel may question the respondent and the respondent's witness(es).
- 4) A summary statement shall be allowed each party.
- 5) A tape recording shall be made of the entire proceedings.
- 6) The proceedings shall be open with the understanding that they may be closed if deemed appropriate by the panel. It is also understood that there may possibly be limited space for observers.

C) Decision on the Grievance

- 1) The hearing panel shall conduct their deliberations in closed session and shall submit their findings and recommendations to the chair of the JRB within 5 working days following the conclusion of the hearing.
- 2) The chair of the JRB shall review the report. If the findings of the panel are unclear and/or if the recommendations of the panel are not specific, the chair may submit the report to the full JRB for review. The full JRB or the JRB acting through its chair shall decide when the panel report contains sufficient clarity to be acted upon by the chancellor. This review shall be completed and the recommendation forwarded to the chancellor within 5 working days of the receipt of the hearing panel's findings.

- 3) The decision of the panel shall be in the form of a written recommendation to the chancellor with copies to the grievant and the respondent.
- 4) Within 10 working days of receipt of the recommendation of the hearing panel, the chancellor shall provide written notice to the grievant, the respondent, and the JRB of the decision.

D) Records:

All original copies and documents, including the tape recordings, shall be forwarded to the chancellor's office.

VIII) The Judicial Review Board

A) Purpose

The JRB is established to administer the grievance policy of its constituency and to assume jurisdiction in some cross-constituency grievances. The Board shall be charged with resolving both substantive and procedural issues.

B) Composition

The JRB shall be composed of 12 members. One member shall be appointed by the Administrative and Professional Staff Council from the Council's Staff Welfare Committee. The remaining members shall be appointed by the A/P Staff Council from the following areas:

Area	Number of Members
Academic Affairs	3
Student Affairs	3
School of Medicine	2
General	3

JRB members shall serve three year terms, except for the Staff Welfare Committee member, who shall serve for one year, renewable term.

C) Selection

The Council shall exercise great care to appoint Board members with maturity and extensive experience in a university community.

D) Organization

The JRB shall develop its own organization to include a chair, chair-elect, and recorder. The operation of the JRB shall be consistent with the requirements of this policy.

E) Meetings

At least once a year, a training session for JRB members shall be held to review policies and procedures.

F) Hearing Panels

Each grievance accepted by the JRB, including any grievance remanded by the chancellor, shall be heard by a panel of the Board, except as provided in Article IV, Cross-Constituency Grievances. The chair of the JRB shall not serve on hearing panels. If a JRB member is selected to serve on a grievance panel and he/she believes that there may be a conflict or appearance of conflict in such service, he/she should report this concern to the JRB chair for a ruling.

- 1) Panels shall be composed of three persons, and the panel members shall elect their own chair.
- 2) Both the grievant and the respondent shall be entitled to challenge panel members for cause. A challenge shall be ruled upon by the chair of the Board.
- 3) In the event that sufficient challenges are made and granted that a panel of three cannot be formed from the JRB, the Executive Committee of the Administrative/Professional Staff Council shall appoint a new member to the grievance panel.
- 4) Questions about procedures shall be made to the chair of the JRB in writing and ruled upon by the chair or referred to the full Board for resolution. There shall be no further appeal of rulings on procedural questions.

IX) Appeals to the Board of Trustees

The aggrieved may appeal the chancellor's decision in compliance with the Southern Illinois University Board of Trustees Bylaws, VI.2 (Appeals of Administrative Actions).

X) Annual Report

The JRB shall present an annual report to the Administrative and Professional Staff Council, showing the number of cases filed with the JRB, the number resolved, the method of resolution, and the number withdrawn. The report shall contain a statement of the effectiveness of the Board and this policy as well as any recommendations for review or revision of the policy.

XI) Amendment

- A) Amendments or revisions to the grievance procedure may be recommended to the Staff Welfare Committee by the Judicial Review Board. Such changes must be communicated in writing. These changes shall not be voted on until at least one regular meeting of the A/P Staff Council, after the meeting at which the amendment was submitted.

- B) Amendments or revisions to the grievance procedure shall be subject to approval by the A/P Staff Council. The Staff Welfare Committee shall be responsible for bringing all such amendments to the A/P Staff Council for consideration.
  - C) Amendments or revisions to the grievance procedure shall be routed through the appropriate University administrative channels for final approval.
- e. Grievance Procedure for Faculty

[The following was approved on May 4, 1995, with amendments on January 13, 2006, May 24, 2007, and January 1, 2017 in accordance with provisions set forth in SIU Board of Trustees 2 PoliciesC.3.d.]

This document: defines the procedures by which a member of the faculty may appeal administrative action or inaction; defines procedures by which charges of unethical conduct may be made; and establishes a Judicial Review Board.

I) Introduction

- A) Each member of the faculty shall have the right to a hearing and appeal for redress of grievance through established channels. Access to these channels is restricted to faculty or those who were faculty when the action or inaction leading to the grievance occurred. In general, it is preferable that problems be solved within the university at the level at which they arose, and persons or agencies outside the university should not be asked to rule on such difficulties until university channels are exhausted.
- B) For purposes of this document, "faculty" should be defined as those who hold faculty rank, whether full-time or by joint- or cross-appointment. Grievances shall be initiated under this document only insofar as the grievance relates to faculty duties or concerns. Those who hold joint-appointments shall not bring a grievance under this document if the grievance does not relate to the grievant's faculty duties.
- C) Faculty members may initiate a grievance under this document against an action or omission to act by administrators, members of the administrative/professional staff, faculty members, civil service employees, or students which affects the grievant individually. This document shall be construed so that "respondent" shall refer to that person against whom the grievance is lodged.
- D) In assessing a tenure or promotion grievance, the JRB shall only consider matters of procedures, including whether standards were applied fairly and consistently.

II) Initiation of a Grievance

- A) Before any formal grievance is filed, if it is a grievance against an administrator, there shall be an informal discussion looking toward a

settlement between the grievant and the administrative officer who made the initial decision which is being grieved. In case of doubt as to the administrator whose decision caused the grievance, the immediate supervisor is the appropriate administrative officer with whom to initiate informal discussion. Upon request of the respondent or the grievant, other administrators may intervene in the informal discussion process. Upon request the respondent shall provide to the grievant a written copy of the decision being grieved. If the grievance involves an allegation of unethical conduct, before filing an official charge, the grievant shall notify his/her immediate supervisor and together they shall initiate informal discussions with the respondent with the aim of settling the complaint if at all possible. If the respondent is the immediate supervisor of the grievant, the complainant shall notify the administrator immediately above the respondent.

- B) If a settlement cannot be reached informally, the grievant may submit a formal grievance, which shall include a statement that informal efforts were made to settle the dispute, including the date, time, and place of such informal discussions.
  - 1) It shall be made in writing, shall provide sufficient detail to allow for a response, and shall state the remedy sought.
  - 2) It shall be filed within 20 calendar days of the determination by the grievant of the inability to come to a settlement informally, but in no case later than 60 calendar days after the grievant has become aware of the action which is being grieved.
  - 3) It shall be filed with the administrator who made the decision which is being grieved, except in the cases of a) denial of promotion and/or tenure by the Provost and Vice Chancellor, or b) charges of unethical conduct, as defined by the "Code of Ethics" (see Appendix A), in which cases the grievance may be filed directly with the JRB or the chancellor.
- C) There shall be no formal hearing involving finding of fact at any administrative level.
- D) For the purposes of this grievance procedure, the term "working day" shall be defined as a day during which classes are held during the fall and spring semesters of the school year. Days during which classes are held during the summer term may also be considered "working days" by mutual agreement of all parties to a grievance, as certified by the JRB.
- E) The chair of the JRB shall be apprised of the filing of a formal grievance and shall monitor the progress of the grievance through the grievance process. Failure of the grievant to meet filing deadlines shall result in dismissal of the grievance. Failure of the administrator at each level of

the grievance process to respond within specified time periods shall result in automatic appeal to the next higher level.

- F) Within 15 working days after receipt of the grievance, the administrator shall make a written decision either granting or denying the remedy sought in whole or in part.
- G) All proceedings and time limits of this grievance procedure are subject to suspension for the period of time of an approved university leave or of an incapacitating illness affecting a party to the grievance. It shall be the responsibility of the JRB to determine the validity of such suspension and to certify when the conditions of the suspension have ceased, thus re-starting the time clock of the grievance procedure.
- H) All "working day" time limits and suspensions for cause may be waived upon agreement of all parties to a grievance, as certified by the JRB.

III) Appeals from Administrative Decisions through Administrative Channels:

A member of the faculty objecting to a decision by the administrative officer may make further written appeal through the regular administrative channels.

- A) Such written appeal shall be made within 15 working days of the receipt of the decision and shall include the original grievance, the written decision, and the reasons for the appeal.
- B) The appeal shall be transmitted to the next level of administration above the source of the decision. At each level of appeal, the administrator who receives the appeal shall proceed in accordance with the procedure in Section II.A.

IV) Appeals from Administrative Decisions through the Judicial Review Board

- A) Any member of the faculty who feels that a grievance has not been resolved after appealing to and receiving a decision from the administrative level immediately below the chancellor has the option of continuing the appeal process through administrative channels (see Section III) concluding with an appeal to the chancellor, or through filing a formal appeal with the Judicial Review Board (see Section VIII). The time limit expressed in Section III.A. shall apply to each level of the appeal process, including the filing of a formal appeal with the JRB.
- B) Upon receipt of an appeal, the JRB chair shall assure that steps in II.A and B have been followed such that the respondent is fully aware of the grievance and that there is a written record of the results of all attempts at resolution. In addition, the chair should encourage the grievant to consult with the Faculty/Staff Ombudsman if this has not already happened. The JRB, pursuant to VIII) D) 3), shall form a panel within 10 working days of receipt of an appeal. The panel shall operate under the provisions of Section VIII of this document. The decision of the panel shall be in the form of a written recommendation to the chancellor. A copy of



this recommendation shall be provided to the principal parties on the same day. In the absence of compelling circumstances, the chancellor shall give a written decision as promptly as possible, but within 15 working days. The chancellor shall notify the JRB and the principal parties of the decision. In the event that the chancellor overturns the recommendations of the JRB Panel, he/she shall submit a complete report to the JRB and the principal parties to the grievance citing evidence and/or procedural grounds upon which the decision was based.

V) Appeals to the Board of Trustees

- A) The grievant may appeal the chancellor's decision to the Board of Trustees. Such an appeal shall be initiated in compliance with the revised procedures of the Southern Illinois University Board of Trustees VI Bylaws 2 (Appeals of Administrative Actions).
- B) The Board and the grievant may jointly agree to submit the matter to arbitration and to accept the arbitrator's decision.
  - 1) The grievant and the Board must both agree on the choice of an arbitrator and the issue being arbitrated. If the parties cannot otherwise agree on an arbitrator, the American Arbitration Association will be asked to supply a panel of arbitrators familiar with the academic environment from which the arbitrator will be chosen.
  - 2) The arbitration hearing will be conducted under the voluntary labor arbitration rules of the American Arbitration Association.
  - 3) The arbitrator's fee and expenses, the administrative costs of the American Arbitration Association, and the cost of obtaining a record of the arbitration hearing shall be borne by the university if the arbitrator finds in favor of the grievant and by the grievant if the arbitrator finds in favor of the university. If a compromise decision is reached, costs should be proportional to the decision reached.
  - 4) Each party shall bear whatever other costs it may incur.

VI) Right to Counsel

At all stages of appeal the principal parties shall have the right to have present with them an adviser of their choice.

VII) Withdrawal of Grievance

The grievant may withdraw a formal grievance at any stage of the proceedings but may not reinstate it once it is withdrawn. The withdrawal should be made in writing to the individual hearing the appeal.

VIII) The Judicial Review Board

- A) Purpose

The Judicial Review Board exists to assist the faculty and the administration in resolving grievances and charges of unethical conduct.

B) Duties of the Judicial Review Board

- 1) The JRB shall have the authority to supervise the procedure of the grievance process.
- 2) The JRB shall consider all grievances appealed to it over which it has jurisdiction, namely
  - a) appeals from administrative decisions relating to such matters as tenure, promotion, assignment of duties, and other conditions of employment of individual faculty members which have gone through administrative channels as outlined on the chart, "Grievance Process Channels" (Appendix B);
  - b) charges of unethical conduct as defined by the "Code of Ethics" (see Section II.B.);
  - c) charges of improper hiring procedures which violate the "Affirmative Action/Equal Opportunity Hiring Procedures," provided the faculty member was an applicant (or potential applicant) and the violation adversely affected the faculty member's chance to be hired.
- 3) When other university policies and procedures specify procedures and channels of appeal to be followed in considering matters that might affect a faculty member's tenure, promotion, assignment of duties, or other conditions of employment, the JRB shall exercise jurisdiction in a manner consistent with these procedures and channels of appeal. The other university policies and procedures shall include, but be not limited to
  - a) the policy on Research Misconduct;
  - b) the policy on Sexual Harassment;
  - c) the Affirmative Action/Equal Opportunity Hiring Procedures.

C) Procedures for the JRB

- 1) The JRB shall hold an organizational meeting each January or within two months after the Faculty Senate conducts its JRB elections. The chair and vice chair shall be appointed to serve by a joint meeting of the Faculty Senate Executive Council and the Faculty Senate Committee on Committees upon approval of the Faculty Senate. The chair of the JRB shall not serve on JRB panels. Chair and vice chair may be reappointed by the Senate for a second year.

- 2) The JRB shall review the Chancellor's responses to its recent recommendations. To ensure continuity, continuing JRB members shall review policies and procedures with incoming members.
  - 3) Upon written request of either party to a grievance, the JRB shall review, interpret, and enforce the grievance and appeals procedures of this document. For example, procedural matters which may be brought to the JRB include, but are not limited to, a) proper methods of filing a grievance, b) meeting of deadlines.
    - a) In an appeal to the JRB, the chair of the JRB may rule on the procedural issue personally or may refer it to the entire JRB. However, any ruling on procedure by the chair may be appealed to the JRB.
  - 4) Upon receipt of the written request for a procedural ruling the chair of the JRB may review the case to determine whether procedural requirements of this document (Sections II and III) have been met, or may refer the matter to the JRB. If the chair determines that the procedural requirements have not been met, the chair shall rule on the matter and that decision, together with the basis for the decision, shall be communicated to both parties in writing.
  - 5) If the chair has ruled, and either party disagrees with the ruling, the matter shall be referred to the JRB. The JRB shall be the final arbiter on matters of procedure.
- D) Procedures of the JRB Panels

The JRB's position in the appellate process is indicated in the chart, "Grievance Process Channels," attached as Appendix B.

- 1) Upon receipt of a request which necessitates review by a JRB panel, a JRB panel shall be formed. A JRB panel shall consist of five members, all chosen at random from among the JRB. One member shall serve as chair of the panel.
- 2) Grievant and respondent will be notified by the JRB chair of the appointment date and names of the panel members by certified U.S. mail return receipt requested. Either the grievant or respondent may challenge a panel member because of conflict of interest. The challenge must specify in detail the perceived conflict. A ruling by the other 4 panel members will be made as to whether the challenge is valid. The Board must receive any challenge within 10 working days of the receipt of such notice.
- 3) A hearing shall be mandatory in a grievance of denial or loss of tenure. In any grievances in which the issues are unclear without finding of fact, a panel shall be formed and a hearing held. The cause

of a grievance or charge of unethical conduct must relate directly to the duties and status of a university employee, and shall not be a trivial or an entirely private matter. The JRB may decline to form a panel on any matter until all procedural requirements have been met.

- 4) If the JRB recommends a hearing, the administrator whose decision is being appealed or the respondent shall have the right to submit to the JRB a request that the appeal or charge be dismissed as failing to meet the above criteria, and that there are, therefore, insufficient grounds for proceeding to a hearing of the evidence. The grievant may reply with an argument as to why the appeal or charge should stand as written, or may elect to clarify the appeal or complaint. If the JRB decides that the appeal or charge is not actionable, it shall dismiss the appeal or charge.
- 5) The administrator defending the action or omission that is the subject of the grievance shall be that administrator who made the first negative decision which the grievant is grieving.
- 6) JRB panel hearings shall be recorded on audio tape.
- 7) The JRB panel shall hold hearings as promptly as possible, but shall begin no later than 15 working days after receipt of the appeal or charge, unless the panel extends this deadline for good cause shown, and shall report as promptly as possible, but not later than 15 working days after the conclusion of the hearing. In the absence of extraordinary circumstances, neither the JRB nor the JRB panel shall extend a deadline if the extension will thereby prevent the JRB panel from reporting on a promotion or tenure grievance by May 1.
- 8) The principal parties appearing before the JRB panel shall each have the right to be accompanied by personal General Counsel or other adviser. The advisers will be permitted to advise their clients in the hearing and, with consent of the JRB panel, speak on their behalf.
- 9) The JRB panel shall require of both the grievant and the respondent a list of witnesses to be called and a copy of any documents that may be introduced into evidence or which may contain evidence that may be introduced by witnesses or which are the basis for professional judgments that may be asserted during the hearing. The JRB panel shall make the information available to all parties.
- 10) Hearings shall be closed, only the members of the JRB panel, the principal parties, and their advisers shall be admitted to the hearing, and witnesses for either party shall be present only while they are giving testimony.

- 11) The principal parties and their representatives shall be permitted to see and hear all evidence, to cross-examine any person giving evidence, and to present their own relevant evidence and arguments. To expedite the hearing process, presentation of arguments-based on previously submitted evidence by grievant and respondent-shall be limited to one hour each, with an additional hour available for cross examination and questions from the JRB panel. Additional time may be allowed with the consent of the panel.
- 12) Although the JRB panel may question principals and witnesses, no public statements shall be made by the members of the panel before or during the hearings, or before or during deliberation.
- 13) The JRB shall rule on procedural matters identified in the Employee Handbook and/or the Faculty Association Contract, whichever is pertinent to the grievance. Each panel member must vote to sustain or dismiss the grievance - no abstentions. In the absence of compelling circumstances the chair, within 15 working days of the close of the hearings, shall send the JRB panel's report to the chancellor, the grievant, the respondent, and the JRB. This report shall contain a specific recommendation of relief or no relief. In the event of undue delay on the part of the JRB panel, all materials pertaining to the grievance shall be returned to the JRB, which shall review the case and submit a report within 10 working days.
- 14) When a grievance is upheld, the JRB shall make a recommendation regarding relief. The purpose of any relief shall be to remediate the procedural violation(s) and the negative effects of these violations on the grievant. The JRB recommendations related to remedies may include a range of options including, but not limited to, a recommendation that no remedy be awarded because the procedural violation(s) were too trivial to warrant a remedy to a recommendation that promotion and/or tenure be awarded to the grievant. The JRB shall include the reasoning for its recommendation related to the remedy in its report.
- 15) If either party to a grievance declines or otherwise fails to appear at the hearing held by the JRB panel, the panel shall nevertheless issue a report of its findings containing a specific recommendation of relief or no relief.
- 16) After the completion of the JRB panel's action, all documents or copies thereof and tape recordings shall be deposited for safekeeping in the chancellor's office with access to be made available to the principal parties or their designated representatives in case of appeal.

17) The Chancellor shall recuse himself/herself from participating in the decision of any grievance involving promotion and tenure cases in which s/he has had prior consultation with the Provost over the substance or proper disposition of the case, unless the faculty member and the JRB consent to his or her participation. In cases where the Chancellor has not recused himself/herself, the Chancellor and the Provost shall provide the Judicial Review Board and the grievant with specific information regarding the nature, content, and scope of their prior consultations in a tenure and promotion matter that was grieved before the JRB.

18) The Chancellor shall make a decision based on the JRB's report, supporting documents, and in cases where the Chancellor chooses to review the testimony, the tape recording of the hearing. Unless both parties are present, the chancellor shall not entertain any new information. The Chancellor shall refrain from consulting with either party to the grievance prior to making a decision on the JRB's recommendation. A decision by a 5-member JRB panel shall replace the decision of the administrator that is being appealed. The Chancellor or appropriate administrator shall treat the JRB panel decision in the same manner as s/he treats similar decisions of the administrator. Following the submission of the JRB panel's decision, the Chancellor and the JRB panel may meet in a timely manner in order for the JRB panel to answer questions in clarification of its report.

19) The JRB chair shall present a written report to the Faculty Senate annually. The report shall include such information as a) the membership of the JRB; b) the number of cases referred to the JRB; c) the number of cases resolved and/or withdrawn; and d) other matters the JRB members deem relevant. No specific faculty cases shall be directly mentioned in the report. The report shall meet with the approval of a majority of the JRB members.

E) Procedure for Selection of the JRB

1) There shall be 12 members of the JRB serving staggered 3-year terms. The voting faculty of the colleges (as defined by the Faculty Senate Operating Paper) will nominate potential members equal to the number of senators from the college. From these nominations, a slate of potential new JRB members will be determined by a joint meeting of the Faculty Senate Executive Council and the Faculty Senate Committee on Committees, to be chaired by the Senate President, after a thorough vetting process to include but not be limited to the following criteria: nominees must be full professors who are not presently serving in an administrative position nor have served as an

administrator during the past 3 years, have no current grievance or have filed a grievance within the past 3 years, and be willing to serve a 3-year term. Nominees shall reflect the diversity of colleges on campus. The faculty Senate must approve each nominee on the slate by vote.

- 2) No one may be named without giving consent. No one should give consent who is unwilling to serve, if necessary, during the summer months and when the university is not in session.
- 3) Released time for members of the JRB equivalent to one three-hour course each semester of service is strongly suggested.
- 4) Members are eligible for appointment to no more than two consecutive 3-year terms.
- 5) Members whose terms expire while they are serving on panels are expected to continue to serve until the business of the panel is finished.
- 6) Appointments shall be made at the end of the fall semester each year. A term shall begin one week after appointment.
- 7) Vacancies shall be filled by the same method as original appointment, i.e., being named by a joint meeting of the Executive Council and the Committee on Committees, and approved by the Faculty Senate.
- 8) It is the responsibility of the member to indicate inability to serve on the JRB.

F) General Counsel

When deemed necessary by the JRB chair and the president of the Faculty Senate, independent general counsel shall be provided to render technical legal advice to the chair of the JRB. Fees for such legal advice shall be paid from the Faculty Senate budget.

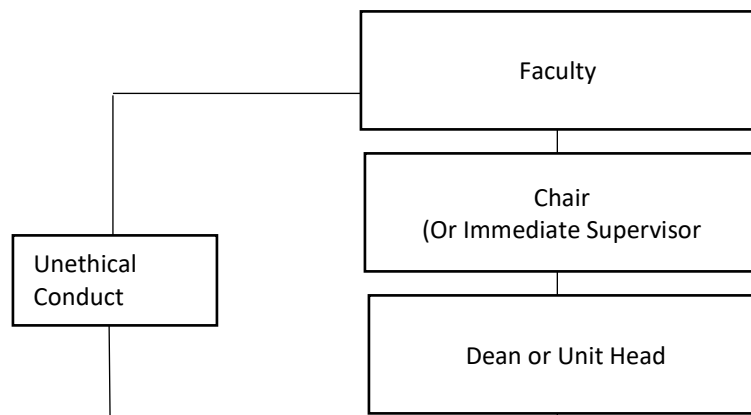
IX) Amendment

This document may be amended by the normal procedures for amending university regulations as specified in Board of Trustees V Bylaws.

X) Appendix A (see Code of Ethics, Personnel Policies, D. 3. c.)

XI) Appendix B

A) Grievance Process Channels



f. Oral English Proficiency Requirement

[The following was approved on June 11, 1987, with amendments on June 27, 1997, in accordance with 110 Ill. Comp. Stat. 520/8c and with provisions set forth in SIU Board of Trustees 2 Policies C.]

I) Assessment Programs

- A) Programs to assess the oral English proficiency of all individuals who serve as classroom instructors for academic credit shall be established at Southern Illinois University Carbondale and Southern Illinois University at Edwardsville.
- B) Through such programs, each individual who seeks to serve as an instructor in classes offered for academic credit will be certified as being proficient in the oral use of the English language.

II) Assessment Procedures

- A) Primary responsibility for assessing oral English proficiency of classroom instructors will ordinarily reside at the departmental level, with the department chair undertaking individual assessment and certification. Primary responsibility for assessing the oral English proficiency of department chairs will ordinarily reside at the school or college level, with the dean undertaking the assessment and certification of chairs.
- B) Certification of oral English proficiency may be based upon one or more of the following indicators:
  - 1) Oral presentation or teaching demonstration before an on-campus audience;
  - 2) Personal conference with the department chair;



- 3) Departmental conference attended by students and/or faculty;
  - 4) Favorable recommendation by a campus-based special review committee (see III below);
  - 5) The successful completion of developmental activities on oral language proficiency;
  - 6) Other indicators appropriate to an individual's assessment.
- C) To the extent practicable, these indicators will be used to assess the oral English proficiency of current faculty, new faculty, current graduate teaching assistants, and new graduate teaching assistants. Nothing in these guidelines is intended to prevent the application of more rigorous standards.
  - D) The dean of the appropriate school or college will indicate acceptance of a chair's certification. Such acceptance confirms the chair's authority and competence to undertake such assessment.
  - E) A form which indicates certification will be placed in the permanent personnel file of the affected individual.

### III) Special Review Committee

- A) The appropriate chancellor will appoint special review committees for the Carbondale, Edwardsville, and Springfield campuses, and for other locations as necessary. Each committee shall have at least three members including one student, one faculty member, and an individual knowledgeable in the assessment of oral English proficiency.
- B) A department chair may choose to call upon the special review committee to assist in the assessment of the oral English proficiency of an individual.
- C) In the event that a department chair does not certify that an individual is proficient in the oral use of English, the special review committee will provide an independent assessment of the individual's oral English proficiency.
- D) In the event that the special review committee does not certify an individual as proficient, the committee, working with the individual and the chair of the department, will recommend an appropriate course of action to the dean of the individual's school or college.
- E) In the event the faculty member disagrees with the recommended course of action, an ad hoc committee composed of a minimum of three members of the Faculty Senate will review the case and make a final determination. The Faculty Senate president will inform the Provost and Vice Chancellor and the faculty member of the decision.

### IV) Grievances

Nothing in these guidelines is intended to detract from or abrogate the rights and privileges enjoyed by students and faculty under existing grievance procedures.

g. Textbook Authored by Course Instructor

[The following was approved on September 27, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

It is entirely appropriate to use the best available textbook for any given course, regardless if the textbook is authored by the faculty member teaching that class. Such assignment, however, should be able to stand the test of being reviewed by a group of peers. This policy is designed to ensure that proper professional consideration has been given to the use of a particular book and that such use will stand the test of professional judgment. Potential for financial gain will not enter into any such decisions. A faculty member's choice of textbooks will be governed by the following policy:

- I) A faculty member may use in a course a textbook of which he/she is an author without seeking approval from the Office of the Provost and Vice Chancellor as long as the book was peer-reviewed, published by a publishing house in which the author has no financial interest, and is intended for adoption and use by institutions of higher education.
- II) A faculty member may not receive any commission or royalty for his/her published books or notes used in SIUC classes that do not meet the conditions of item 1, above. Notes and text material reproduced by other than commercial publishing houses are not eligible for royalty payments. When such notes and text material are required in SIUC courses, the faculty member will make a circulating copy available to any student who wishes to make copies at his/her own expense.
- III) There shall be no charge to students for a course syllabus.
- IV) The faculty member shall file a record of use of materials covered in items 1 and 2 for each course with his/her department chair and the dean of the college, and shall revise that record when changes occur.
- V) A faculty member shall be required to report income royalties from textbooks in accordance with the SIUC Conflict of Interest policy.
- VI) A faculty member assigning royalty-generating books in his/her courses is encouraged to choose (as many commendably do) to make commensurate gifts benefitting the university, the department, or the students. The faculty member should not be required to make such a gift, however, or to return or redirect royalties received.

E. Compensation

1. All Employees

a. Compensation

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

I) General Guidelines and Limitations

A) Authorization and Approvals

University personnel holding faculty, administrative/professional, civil service, or graduate assistant appointment who wish to engage in activities for which extra compensation is allowed first must obtain the approval of their supervisor or chair and the appropriate academic dean (or the unit vice chancellor if non-academic). This policy applies only to those persons who are on appointment at SIUC during the period for which extra compensation is requested and services are performed.

B) Annual Maximum

The total amount of extra compensation which one can earn in a fiscal year from all activities (instructional and internal consulting) shall not exceed 20% of an employee's equated annual salary (monthly salary x 12). For purposes of this policy, the fiscal year begins July 1.

C) Waivers

A university employee may waive all or part of available extra compensation.

D) Payment Schedule

The first installment or lump sum payment date is not to precede the beginning of services.

II) Compensation for Credit Activities

A) On-Campus Credit Courses

University employees teaching credit courses within the designated university attendance center at Carbondale, Illinois, are not eligible to receive additional compensation for these activities. The boundaries of the designated university attendance center are defined as the city limits of Carbondale, the CTC campus near Carterville, the University Farms at Carbondale, Southern Illinois Airport, and the Touch of Nature facility south of Carbondale.

B) Off-Campus Credit Courses

An instructor who teaches a credit course beyond the designated university attendance area at Carbondale, Illinois, may receive an extra compensation allowance. Payment is based on the number of credit hours per course and is computed as a percentage of the monthly salary plus a one-way mileage factor. The following chart sets forth the multipliers used in computing extra compensation:

1) Credit Compensation

Credit Hours	Rate x Monthly Salary	Rate Per Mile
1	.0833	\$0.666
2	.1666	\$1.333
3	.25	\$2.00
4	.3333	\$2.666
5	.4166	\$3.333
6	.5	\$4.00

Example: An instructor who teaches a three-semester-hour course 100 miles from the university attendance area and who earns \$3,000 would receive a \$950 compensation allowance.  $(\$3,000 \times .25) + (100 \text{ mi} \times \$2) = \$950$ .

- 2) Instructional staff must have concurrent responsibilities at different locations to be eligible for continuing education compensation. For instructional staff whose regular teaching location is other than Carbondale, Illinois, that place of employment is used as the basis for computing extra compensation.
- 3) Minimum compensation for 1-, 2-, 3-, and 4-hour courses is \$250, \$500, \$750, and \$1,000, respectively. The maximum compensation allowance for any one course may not exceed the following percentage of that instructor's monthly salary:

Semester Hour	Percentage of Monthly Salary
1	16 2/3
2	33 1/3
3	50
4	66 2/3
5	83 1/3
6	100

- 4) Instructional staff teaching more than one course at the same location per trip will receive a) full allowance for the course carrying the greatest number of credit hours and b) the monthly salary factor for additional courses. Mileage is not paid for the second or additional courses.

Example: An instructor with a monthly salary of \$2,800 who teaches a 3-hour course and a 1-hour course, back-to-back, 100 miles from campus will be paid \$900 for the 3-hour course and \$233 for the 1-hour course for a total of \$1,133.

- 5) Instructional staff teaching courses at 2 or more off-campus locations per trip will receive a) full allowance for the course farthest from the campus and b) the monthly salary factor for additional courses. Mileage is not paid for the second or additional courses.

Example: An instructor with a monthly salary of \$2,800 who teaches one 3-hour course 75 miles from campus at 4:00 P.M. on Tuesdays and another 3-hour course 50 miles from campus at 7:00 P.M. on Tuesdays (one trip) will be paid \$850 and \$700 for a total of \$1,550.

C) Travel/Study Program

Faculty members who organize and conduct travel/study groups are eligible for university compensation. Travel/study awards require the approval of the SIUC Travel/Study Committee in addition to all regular approvals. Faculty compensation under a Travel/Study award is treated as a summer appointment and will not reduce the faculty member's eligibility for extra compensation in other Continuing Education activities. This compensation is based upon the duration of the program and a percentage of the instructor's monthly salary as per the following schedule:

Weeks	Percentage of Monthly Salary
1	25
2	50
3	75
4	100
5	Negotiable

D) International Contractual Programs

Extra compensation for international programs may be negotiated based on funding agency requirements and applicable university policies.

E) Compensation for Credit-Free Activities

Extra compensation for SIUC instructional staff participating in credit-free instructional activities is based upon instructional contact hours. The duties and responsibilities for which extra compensation is requested must be over and above those associated with the individual's regular university assignment. Compensation is determined by the type of

activity and is subject to the income from that activity and will normally be at the rate of 1.5% of one month's salary for each instructional contact hour. Compensation above the normal rate requires prior approval by the Director of Continuing Education and is subject to the income available from that activity. In no case may the rate of extra compensation for credit-free instructional activities exceed \$150 per contact hour, nor \$1200 per day.

F) Compensation for Individualized Learning Activities

The Division of Continuing Education's "Instructional Agreement for Individualized Learning Course," approved on July 10, 1981, governs compensation for credit and credit-free instruction provided in a non-traditional format.

G) Compensation for Consulting Activities

Approval for consulting activities on the part of university employees is subject to the determination of the benefit to the individuals and to the university. The principal criteria which must be met to qualify such activities for extra compensation are as follows:

- 1) The activity may not compromise the university or conflict with other activities being carried out by the university.
- 2) The activity must contribute to the professional development of the employee.
- 3) The work performed may not interfere with complete fulfillment of normal university duties and responsibilities of the employee.
- 4) The funding for on-campus consulting or consulting at an off-campus attendance center of the university is obtained through a budgeted line in an externally funded research or grant account or externally funded training account. Funds obtained through the Board of Higher Education allocation cannot be used.
- 5) The compensation rate for on-campus consulting or consulting at an off-campus attendance center of the university does not exceed the normal salary rate of the individual. Example: An employee with a 100% appointment and a monthly salary of \$3,000 can earn \$137.93 per day.  $\$3,000 \div 21.75 = \$137.93$  (daily rate)
- 6) The services cannot exceed an average of one day per week during the individual's normal appointment period (includes non-credit activities). Example: An employee with a 100% appointment and a monthly salary of \$3,000 for consulting during a 4-week month.  $\$3,000 + (4 \times 137.93) = \$3,551.72$  (Total Salary)

7) The principal investigator should include, in the narrative of the proposal, a statement covering the following points:

- a) the name of each internal consultant;
- b) the expertise needed for the project; and
- c) a justification for that need.

If, for some reason, an internal consultant cannot be identified in the proposal or if, subsequent to the approval of the proposal, a substitute internal consultant must be made, the supervisor or chair and the appropriate academic dean (or unit vice chancellor if non-academic) must verify that any person named possesses the expertise for the project and must approve the appointment of the person eventually named as internal consultant.

- H) The principal investigator/project manager cannot be compensated for consulting services associated with his or her own project.
- I) Consulting activities by employees not specifically defined in this policy shall be covered by the provisions of the policy on Conflict of Interest.

### III) Travel Expense Reimbursement

Approved travel expenses are reimbursed in accordance with SIUC travel policies. These expenses are not included in the maximum allowable compensation for continuing education activities in any fiscal year.

## 2. Civil Service

### a. Compensation Policy for Range Employees

[The following was approved on May 30, 1995, with amendments approved by Chancellor Wendler on November 1, 2006.]

#### I) Entrance Salary

- A) New employees possessing excess qualifications within the job description may be given up to 2% per year to a maximum of 10% above the minimum of the salary range upon the recommendation of Human Resources and agreement of the hiring department.
- B) Human Resources will evaluate the employment record and salary history of former employees returning to a classification in which previously employed after a break in service of less than 6 months. Based on this evaluation, a determination as to proper entrance salary will be made. In most instances, this will mean being restored at the former rate of pay. It may or may not include increases which others may have received during the break in service. Employees with more than 6 months break in service and those employed in a class other than in which formerly employed will be hired in the same manner as other external candidates.

## II) Promotional Increase

- A) When an employee receives a promotion, the salary will be increased at least to the base of the range for the new class. If the employee has excess qualifications, an additional amount up to a maximum of 10% above the new base, computed in the same manner as new hires, may be granted.
- B) When an employee's salary is above the new base, the promotional increase will be up to 10% of the employee's current salary.
- C) Human Resources will refer external candidates at the base of the range for the class. Current employees will be referred at the rate at which they are eligible under the above guidelines. In those instances where an external applicant is selected for hire, Human Resources will evaluate the applicant's qualifications to determine with the hiring official the appropriate rate of pay. In those cases where employees are being promoted in their own position, the appropriate salary will be indicated in the letter recommending the upgrade.

## III) Within Classification Salary Adjustments

A within classification salary adjustment may be used to recognize exceptional performance, increased responsibility, or change in education and/or experience requirements related to the position. An adjustment may also occur when there has been a significant change in responsibilities, but upon evaluation, it is determined that the changes do not warrant a reclassification or reallocation of the position. Justification for a within classification salary adjustment of up to 7% must be submitted, in writing, through administrative channels to the appropriate Vice Chancellor or equivalent. Any request must have at least two levels of administrative approval. No employee will be eligible for more than one within classification salary adjustment per fiscal year, except in unusual circumstances with clearly-demonstrated justification. All requests for a within classification salary adjustment must include a copy of the employee's performance evaluation and position description, dated within the preceding twelve months.

### b. Overtime Compensation

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) Under the Fair Labor Standards Act (FLSA), the federal government regulates employment with respect to minimum wage, overtime pay, equal pay, record keeping, and child labor. Although some civil service positions at SIUC are exempt from specific provisions of the Act, most are non-exempt.
- II) Non-exempt employees are required to maintain a time record and must receive overtime compensation for hours in pay status in excess of 7.5 hours



per day or 37.5 hours per work week, except for certain negotiated or prevailing rate classifications. Hours worked in excess of 7.5 hours in a day in accordance with a pre-approved flex-time schedule are not considered overtime. For non-exempt employees, overtime may be compensated in one of two ways:

- A) by payment at a rate of 1.5 times the employee's regular hourly rate; or
  - B) by compensatory time off, at the time-and-a-half rate, in lieu of payment.
- III) For non-exempt employees paid semi-monthly, the regular hourly rate is determined by multiplying the semi-monthly rate by 2 and dividing by 163.125 hours. Overtime must be approved by the supervisor prior to the work, and arrangements for overtime compensation or compensatory time off should be discussed and approved by the fiscal officer in advance of the overtime work. For negotiated or prevailing employees, overtime must be compensated in accordance with the applicable contract or multi-employer agreement.
- IV) Since university policy does not permit the accrual of compensatory time, compensatory time must normally be taken no later than the pay period following the one in which it was earned. If compensatory time was not taken during the subsequent pay period, it must be paid out to the employee within sixty (60) days of being earned on a regularly scheduled pay period. At no time can an employee "lose" compensatory time earned.
- V) Not all civil service and Administrative/Professional employees at SIUC are covered by the overtime provisions of the Fair Labor Standards Act. These employees are exempt based on their duties, level of responsibility, and the amount of discretion and independent judgment inherent in their positions. Exempt employees generally fall into three major categories: executive, administrative, and professional. Employees who meet the agricultural definition as defined by the Fair Labor Standards Act also are exempt from overtime provisions. Exempt employees are not required to maintain salary time records and are normally not compensated for overtime worked. For assistance in handling questions related to overtime, contact Human Resources.

### 3. Faculty and A/P

#### a. Researcher Positions: Guidelines for Classification

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

- I) A researcher position will be classified by the department head according to the position's responsibilities and education/experience requirements.

- II) The classification of the new researcher position is subject to the review and approval of the appropriate dean and the Associate Vice Chancellor for Academic Affairs (Budget and Personnel) or designee.<sup>13</sup>
- III) At the beginning of each fiscal year, researcher positions will be reviewed by department heads, in consultation with supervisors and appropriate deans, to determine
  - A) the appropriateness of the classification of each position with respect to the duties performed, and
  - B) the qualifications (education and experience) of the incumbent with respect to eligibility for promotion.

If this review indicates that a higher classification may be appropriate, the department head should submit a recommendation to reclassify the position. The recommendation must be accompanied by required documentation.<sup>14</sup> A reclassification is subject to the review and approval of the dean and the Associate Vice Chancellor for Academic Affairs (Budget and Personnel) or designee. A request for a classification review may also be initiated at any time by an individual researcher or supervisor. Normally such a review will not be conducted more than once each fiscal year.

- IV) At the time a position is reclassified, an appropriate salary increase, funded by the department, will be granted. Under normal circumstances, the new salary must be at least as much as the minimum for the new classification, with 5% as the minimum promotional increase. This increase will not affect any annual salary increases for which the employee may be eligible.
- V) When the source of funds supporting an employee's position changes (change of account), the employee's salary will remain the same. However, when an employee applies for and is selected to fill an open position following a search, this change will be treated as any new appointment.

b. Compensation Plan for Nonresearch A/P Staff

- I) Administrative/Professional positions at Southern Illinois University Carbondale fall into one of three categories: non-research positions subject to job content evaluation, non-research positions exempt from job content evaluation, and research positions. The category will determine which compensation guidelines apply to the position.

- A) Non-research Administrative/Professional Positions Subject to Job Content

Most Administrative/Professional positions are subject to job content evaluation. Positions in this category are reviewed every three years

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<sup>13</sup> A completed Researcher Classification Worksheet and job description must be submitted with each request for a new position.

<sup>14</sup> A new position description, a letter recommending reclassification of the position, and a completed Researcher Classification Worksheet.

(section II, A, 3) and evaluated in order to determine the appropriate salary range for the position. Salary determinations for positions in this category are determined in accordance with the provisions of the following approved compensation plan.

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C. Amended March 1, 2002 and August 9, 2007]

#### 1) Compensation Plan Objectives

- a) To provide a salary plan both internally equitable and externally competitive;
- b) To provide a comprehensive compensation plan for AP employees;
- c) To delineate AP compensation plan administration responsibilities and define guidelines;
- d) To provide flexible and consistent administration of the salary program.

#### 2) Administrative Procedures

##### a) Position Evaluations

- (I) New positions. Evaluation of a new position and determination of its salary range must precede salary negotiations. For this purpose, a position description and a Principal Administrative Position Exemption form are submitted to Human Resources.
- (II) Existing positions. The salary range for each position is based on points assigned through job evaluation, although some flexibility is allowed in responding to market conditions as indicated by salary data. A request to increase the salary range level for a position may be initiated by the employee through the employing unit, the Vice Chancellor, equivalent officer, or Human Resources.
  - (A) Human Resources will review requests for assignment to a higher salary range to ensure that the justification meets the required standards.
  - (B) If the market condition leading to the assignment of a higher salary range level ceases to be in effect, the salary range may be adjusted downward. No adjustment will be made to the top of the salary range that precludes incumbent employees from receiving regular salary increases. However, as turnover permits,

(See 4b below) the salary range maximum will be adjusted downward.

(III) Verification of Position Description. While position descriptions may be updated at any time, they must be verified or updated every three years. The verification can be initiated by the incumbent employee or any official in the position's supervisory chain or by Human Resources. Any additional duties that have been assigned to the position that are considered necessary or significant should be listed on the revised position description. Any duties that are not on-going responsibilities may be considered "other duties as assigned" and need not be listed on the position description.

(IV) Reevaluation of Position Description. When a position has changed significantly, its position description should be revised and submitted through appropriate administrative channels to Human Resources for review. The request for a reevaluation can be initiated by the incumbent employee or any official in the position's supervisory chain or by Human Resources.

(A) Reevaluation of a position to a higher job content level which also results in a higher salary range constitutes a promotion, and the incumbent should receive a salary increase in accordance with the policy in section II.B.3.e, "Promotions."

(B) If a position is reevaluated to a lower job content level which also results in a lower salary range, the new salary will not become effective until the current employee vacates the position.

(C) If a position reevaluation changes the number of points, but remains within the range associated with the position, no salary change will take place.

(V) Appeal of Evaluation of Position Description. If there is an inability to reach a final agreement about the results of a position description evaluation conducted by Human Resources, the employee or any official in the position's supervisory chain may submit a written request for a review by the Peer Review Committee.

b) Salary Determinations

(I) Salary Range Determination.

(A) Salary ranges are determined on the basis of

- (1) comparative job content, for internal equity, and
  - (2) compensation levels of like employees in other organizations, for external competitiveness. The integrity of salary ranges based on position classifications should be maintained annually.
- (B) At the time of salary increases, the salary range structure may be adjusted to reflect national trends in compensation in the relevant competitive salary market(s).
- (C) Following redefinition of the salary range midpoints, the minimum and maximum of each range will be recalculated using a +/- 20% spread for the adjusted midpoint.
- (D) Where relevant external salary data for comparable positions indicates that the salary range for a particular position is too low, the salary range for the position will be assigned to a higher salary range that can be justified on the basis of the market data.

Data used to justify a higher salary range level must meet certain standards:

- (1) The data should represent the entire comparable market in a comprehensive rather than selective fashion.
- (2) Salary data must be compiled by the managing department or the managing department's designated appointee for such matters utilizing relevant professional sources for salary data.
- (3) Only data for positions with comparable responsibilities and qualifications may be used.
- (4) The comparison data must include a sufficient number of positions to minimize the influence of factors such as individual performance, longevity, etc.
- (5) Where appropriate, the data should come from educational institutions with similar characteristics to SIUC and from institutions of size and complexity comparable to SIUC.
- (6) Where appropriate, the data should come from organizations in SIUC geographic region.

(II) Entrance Salaries. New employees must meet at least the minimum qualifications for a position and will be paid at least the minimum rate of the applicable salary range. The hiring official may make a salary offer at any rate between the minimum and the maximum of the salary range depending on the candidate's qualifications, the current market value of the position as indicated by relevant salary survey data, and the funds available.

(A) Raises. The following considerations may be used for salary increases for an employee: across the board increase, merit raise, market-based adjustment, and/or within range salary adjustment.

- (1) Across the Board Increase: Across the board increase is a salary increase element used to increase the level of compensation for administrative/professional staff members for satisfactory performance.
- (2) Merit Raise: In the event that merit is a component in the distribution of salary increases, merit increases will only be awarded for highly effective or exceptional performance of duties and responsibilities in accordance with the approved performance evaluation tool for administrative/professional staff. The appropriate administrative officer will initiate requests for merit increases as part of the university-wide salary increase process. A specified percentage of the funds appropriated/reallocated for salary increases will be reserved to award merit. A merit raise will be a direct result of the outcome of the employee's performance evaluation tool.
- (3) Market-based Adjustment Raise: Following a position review, a market adjustment can be used to raise the level of compensation for an employee whose salary is demonstrably lower than the average salary of like employees in the marketplace. The Vice Chancellor, or equivalent officer, for that area will make the final determination in consultation with Human Resources. Market data must be supplied by the managing department, for comparable positions. Data for market-based adjustments should be

prepared in accordance with the guidelines in section II.B.1.d.i-vi, "Salary Range Determination."

- (4) Within Range Salary Adjustment: A within range salary adjustment may be used to raise the level of pay for employees who have attained additional applicable educational credentials, sustained exemplary job performance, or who have increased job responsibilities that do not warrant reevaluation of the position to a higher job content level. The Vice Chancellor or equivalent officer for that area will make the final determination in consultation with Human Resources.
- (5) Promotions: A promotion is a change of assignment from a position in a particular job content level and salary range to a position in a higher job content level which also results in a higher salary range. A promotion should be accompanied by an increase to provide not less than the salary which would be paid to an equivalent employee hired from outside the university. The new salary must be within the range for the new position, with 5% as the minimum promotional increase under normal conditions.
- (6) Lateral Changes of Assignment: If an employee moves from a position in one job content level and salary range to another position in the same job content level and salary range, the employee's salary must be within the range for the new position, and should not be less than the salary that would be paid to an equivalent employee hired from outside the university.
- (7) Change of Assignment: If an employee in a particular job content level and salary range accepts a position in a lower range at his/her own initiative, the employee's salary must be within the range for the new position, and should not be less than the salary that would be paid to an equivalent employee hired from outside the university.
  - (a) If an employee is assigned to a position in a lower job content level and salary range at the university's convenience for reasons other than demonstrated performance failure that has

been documented, the employee's salary at the time of the reassignment will be preserved.

- (b) If an employee is assigned to a position in a lower job content level and salary range because of documented performance failure, the change of assignment will be made without a change in salary unless the employee's salary exceeds the new range maximum. The employee's salary may not be above the top of the range for the new position. The employee will be eligible for scheduled salary increases as the range is adjusted upward and increases become possible.

(B) Withholding Salary Increases.

- (1) A unit administrator may recommend that a salary increase be withheld from an employee whose performance has been documented as unsatisfactory or marginal as demonstrated on the A/P performance evaluation tool. A copy of the employee's evaluation, citing the employee performance as unsatisfactory or marginal and a letter of justification must be submitted by the supervisor through the appropriate Vice Chancellor or equivalent officer. The employee must be notified in writing of the reasons for withholding the increase.
- (2) Supervisors may recommend that a salary increase be withheld from an employee who is recently hired for a position.

(C) Commitment to Excellence Awards. One time monetary and/or recognition awards for excellence -- that do not add to the base salary -- may be awarded to A/P employees according to the award guidelines.

- 3) Exceptions to the provisions of the Compensation Plan outlined above must be approved by the chancellor. The administrative officer requesting the exception should provide the reasons for the exception in writing, and these should become a part of the employee's permanent record.



B) Non-research Administrative/Professional Positions Exempt from Job Content<sup>15</sup>

Not all non-research Administrative/Professional positions are subject to job content evaluations. Some positions are exempt due to the nature of the responsibilities inherent in the position and the administrative hierarchy. Salary determinations for these positions are based on relevant market data. Salaries for these positions require a minimum of two levels of administrative approval. The following positions are exempt from job content evaluation:

- 1) Chancellor and Vice Chancellors
- 2) Academic administrative positions requiring faculty rank, e.g., Dean, Department Chair, Associate Dean, Director of Library Services, and Associate Provost, etc.
- 3) Administrative and professional staff reporting directly to the Chancellor or a Vice Chancellor, with the title of Executive Assistant to the Chancellor, Executive Director, Director or Associate Vice Chancellor, whose salaries and salary increases are subject to the approval of the President
- 4) Physicians, including Medical Chief of Staff and Staff Psychiatrist
- 5) Coaches and Assistant Coaches
- 6) Counseling Interns

C) Research Positions

Research positions are also exempt from job content evaluation. This category includes positions such as Researcher I, Researcher II, Researcher III, Assistant Scientist, Associate Scientist, and Senior Scientist. Research Project Directors are also exempt from job content evaluation. Salary determinations for positions in this category are determined in accordance with the provisions of the following approved compensation plan.

[The following was approved on May 23, 1996, and amended on March 01, 2002 and August 9, 2007 in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

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<sup>15</sup> Note: These policies apply to non-research administrative/professional personnel at the SIU Carbondale campus only. Carbondale and Springfield Medical School personnel are covered by a separate policy. The current year's Administrative/Professional Salary Plan, showing the various salary levels and their respective ranges and midpoints, can be obtained from Human Resources.

- 1) A researcher position will be classified by the department head according to the position's responsibilities and education/experience requirements.
- 2) The classification of the new researcher position is subject to the review and approval of the appropriate dean and Associate Provost for Academic Administration or designee.<sup>13</sup>
- 3) At the beginning of each fiscal year, researcher positions will be reviewed by department heads, in consultation with supervisors and appropriate deans, to determine:
  - a) the appropriateness of the classification of each position with respect to the duties performed, and
  - b) the qualifications (education and experience) of the incumbent with respect to eligibility for promotion.

If this review indicates that a higher classification may be appropriate, the department head should submit a recommendation to reclassify the position. The recommendation must be accompanied by required documentation.<sup>14</sup> A reclassification is subject to the review and approval of the dean and the Associate Provost for Academic Administration or designee. A request for a classification review will not be conducted more than once each fiscal year.

- 4) At the time a position is reclassified, an appropriate salary increase, funded by the department, will be granted. Under normal circumstances, the new salary must be at least as much as the minimum for the new classification, with 5% as the minimum promotional increase. This increase will not affect any annual salary increases for which the employee may be eligible.
- 5) Merit Raise: In the event that merit is a component in the distribution of salary increases, merit increasers will only be awarded for highly effective or exceptional performance of duties and responsibilities in accordance with the approved performance evaluation tool for research positions. The appropriate administrative officer will initiate requests for merit increases as part of the university-wide salary increase process. A specified percentage of the funds appropriated/reallocated for salary increases will be reserved to award merit. A merit raise will be a direct result of the outcome of the employee's performance evaluation tool.
- 6) When the source of funds supporting an employee's position changes (change of account), the employee's salary will remain the same. However, when an employee applies for and is selected to fill an open

position following a search, this change will be treated as any new appointment.

- II) Questions about this policy may be directed to Human Resources at 453-6686

## F. Leaves and Absences

### 1. All Employees

#### a. Leaves

All leaves, with or without pay, must be coordinated with Human Resources. Benefit options for employees on leave are governed by the Illinois Department of Central Management Services and the State Universities Retirement System.

#### b. Reporting Absences

[The following was approved on October 24, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

Each time an employee finds it necessary to be absent during a scheduled work period, a report explaining the absence should be filed with the department. Except for emergencies, the use of vacation should be submitted for approval in advance. When an absence is due to illness or injury, a properly completed absence form should be presented to the department on the day the employee returns to work. If benefit time is not or cannot be used to compensate an employee, the employee will not be paid for the absence. Documentation pertaining to employee absences should be retained by the department for a minimum of three years.

For more information see Human Resources [hr.siu.edu](http://hr.siu.edu)

#### c. Leaves/Absences

##### I) Family and Medical Leave<sup>16</sup>

[The following policy on Family and Medical Leave was approved on September 27, 1995 with amendments on August 26, 2004 and January 16, 2009, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.3.j.]

Southern Illinois University is committed to full compliance with the federal Family and Medical Leave Act of 1993 which requires covered employers to grant unpaid family and medical leave benefits to eligible employees.

- A) To be eligible for family and medical leave benefits, an employee must have worked for SIU for at least 12 months or 1 academic year and have worked at least half-time during the preceding 12-month period.

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<sup>16</sup> See Employee Handbook Chapter 12 for Family and Medical Leave Procedures

- B) An eligible employee who has complied with notification requirements may request, and will be granted, family and medical leave to provide for the following contingencies:
- 1) the birth of his/her child;
  - 2) the placement of a child with the employee for adoption or foster care;
  - 3) the care of a spouse, domestic partner, child, or parent with a serious health condition;
  - 4) a serious health condition which prevents the employee from performing the functions of his/her job.
  - 5) any qualifying exigency while the employee's spouse, domestic partner, son, daughter, or parent is on covered active duty in the Regular Armed Forces or Reserves or is called or notified to covered to active duty.
- C) An eligible employee is entitled to receive a maximum of 12 work weeks of Family and Medical Leave once every 12 months except as noted in section (4). The 12-month period is measured forward from the date an employee's FMLA leave begins.
- D) An eligible employee who is the spouse, domestic partner, son, daughter, parent, or next of kin (as defined by FMLA regulations) of a covered service member who has an illness or injury sustained in the line of duty shall be eligible for a leave of up to a total of 26 workweeks in a single 12-month period to care for the service member.
- E) During the period of family and medical leave, an employee's health, dental and basic state life insurance benefits will be maintained under the same conditions that applied before the leave commenced.
- F) While on FMLA leave, an employee cannot work elsewhere.
- G) Sick leave and/or vacation benefits may be used for all or part of a family and medical leave in accordance with applicable SIUC personnel policies. Any portion of the leave period for which such benefits are not applied will be leave without pay.
- H) An employee returning from family and medical leave will be restored to his/her former position or to a position with equivalent pay, benefits and other terms and conditions of employment, contingent upon the employee's continued ability to perform the essential functions of the job.

## II) Participation in Disaster Relief Services

[The following policy on paid leave for disaster relief service was approved on January 31, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.3.b.6.] Ammended in October, 2005.

- A) With appropriate prior notification and approval, up to 20-days absence with pay may be granted during any 12-month period to an employee who is participating in specialized disaster relief services as a certified disaster service volunteer of the American Red Cross or assigned to the Illinois Emergency Management Agency. Such leave shall be granted for services related to a disaster occurring within the State of Illinois.
- B) Leave may also be granted for services related to a disaster within the United States or its territories in coordination with the American Red Cross and the Illinois Emergency Management Agency through the Illinois State Emergency Operations Center.

### III) School Visitation

[The following was approved on January 31, 1995, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.]

When an employee's attendance is required at his/her child's school for conferences or classroom activities and these events can be scheduled only during working hours, he/she will be granted a leave without pay subject to the following conditions:

- A) all accrued vacation must be exhausted before leave without pay will be granted;
- B) a total of up to 8 hours of leave without pay will be granted during any school year, with no more than 4 hours during any given day;
- C) a written request for the leave must be submitted to the supervisor at least 7 days in advance of the school visitation (in cases of emergency no more than 24 hours is required);
- D) the employee must consult with his/her supervisor to schedule the leave so as not to disrupt unduly the operations of the employer;
- E) employees should be provided reasonable opportunity to make up time taken for school visitation unless this would require payment of overtime wages or unless there is no opportunity for productive work.

### IV) Bereavement

- A) Upon request, an eligible employee shall be granted, without loss of pay, bereavement leave of up to three work days. Such leave may be used to attend the funeral or memorial service, for related travel and/or for bereavement time upon the death of a member of the immediate family or household. For these purposes, the immediate family is defined as spouse, domestic partner, child, parent, brother, sister, grandparent, grandchild, and corresponding in-laws, and the immediate family of the domestic partner, as defined above. Household includes anyone maintaining a family relationship living in an employee's home. Bereavement leave beyond this amount may be approved by the employer representative under special circumstances and will be

deducted from either vacation leave or sick leave at the employee's choice, provided an accrual balance is available.

- B) One work day shall be granted upon request, without loss of pay, due to the death of a relative outside the immediate family or household or to serve as a pallbearer at a funeral. For these purposes, a relative is defined as aunts, uncles, nieces, nephews, and cousins, and corresponding in-laws. In accordance with the Illinois Child Bereavement Leave Act, an employee who suffers the loss of a child is eligible for up to two (2) weeks bereavement leave. This leave is unpaid unless covered by the employee's available sick or vacation, or bereavement established by the above policy. A leave of up to six (6) weeks is allowed in the event of the death of more than one child in a twelve (12) month period. Leave must be completed within sixty (60) days of being notified of the death of the child.

#### V) Jury Duty

Employees called for jury duty or subpoenaed by any legislative, judicial, or administrative tribunal will be granted a leave with pay. During the period the employee is actually serving on a jury or is required by a court or other tribunal to be present as a witness, the employee will continue to receive his/her normal compensation. At other times when the court or other tribunal is not in session, the employee is expected to be at work. Employees who are required to appear in court as defendants or plaintiffs in civil or criminal actions do not qualify for this type of leave.

#### VI) Military Service

- A) A leave with pay will be granted for the fulfillment of employees' annual military obligations in any component of the armed forces of the United States. Compensation for such leave will be computed at the employees' normal rate of pay, not to exceed 10 working days per fiscal year. When employees are activated in any component of the armed forces of the United States because of civil disturbance, disaster, or other local emergency, employees may be compensated for this duty in addition to the annual military obligation. The cumulative maximum of such leaves, described above, shall not exceed 20 working days per fiscal year.
- B) A member of the National Guard (or other state military component) who is called to temporary active duty in case of civil disturbance or natural disaster declared to be an emergency by the Governor may receive a combined wage from the University and the military equal to, but not exceeding, the employee's straight time daily rate for work days absent. If the daily rate received for temporary active duty exceeds the daily rate of the employee from the University, the employee may elect to accept the higher rate in which instance the employee shall receive no compensation from the University. Time used for temporary active duty

shall not be deducted from the time allowed for regular military training periods in accordance with the preceding paragraph.

- C) Employee compensation during leaves for specialized or advanced military training or during interruptions of university employment for active military service will be governed by applicable state and/or federal laws. Employees, after performing military service, are entitled to continued employment or reinstatement and to those other rights and benefits protected by state and/or federal law. Upon their return, employees will receive the same salaries they received when the leave became effective plus the average percentage increases made in their units during their absence.

## 2. Civil Service

### a. Leaves/Absences

[The following was approved on May 23, 1996, with amendments on July 26, 1997, October 9, 1998, February 7, 2002, and July 7, 2005, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C. Per current Board Policy, the following was approved by the Chancellor of Southern Illinois University Carbondale on August 26, 2004. This policy applies to range and prevailing civil service employees only. Civil service employees represented by collective bargaining agents should consult their union contracts for the policies which affect them.]

### l) Sick Leave

- A) Permanent, apprentice, trainee, intern and provisional employees will earn 12 sick days per year. Sick leave accrual will be proportionate to the percentage of full-time equivalent (FTE) employment. The amount of sick leave accumulated at the time any illness begins will be available in full. Vacation and sick leave will continue to accrue while an employee is using sick leave. There is no limit in the amount of sick leave which may be accumulated.
- B) In addition to the regular sick leave referred to above, Extended Sick Leave (ESL) will be granted to all eligible civil service employees at the rate of 20 work days per fiscal year. ESL will be proportionate to the percentage of full-time equivalent (FTE) employment. Employees must have worked at least 6 months in a status position to be eligible for the benefit.
  - 1) Any absence that qualifies for Family and Medical Leave (FMLA) will be eligible for the Extended Sick Leave benefit with proper documentation. The leave must be approved by Human Resources for the employee to use the ESL benefit. ESL can be used intermittently and for an illness or injury of a member of the immediate family or household. For these purposes, the immediate family is defined as

spouse, domestic partner, child and parent. Household includes anyone who maintains a family relationship with an employee and lives in the employee's home. ESL may not be carried over from one fiscal year into the next. If an absence covered by ESL extends from one fiscal year into another, the employee must return to work before becoming eligible for an additional 20 days in the second fiscal year, unless otherwise approved due to a catastrophic illness. Employees who are not in active pay status are not eligible for this benefit.

- 2) Vacation and regular sick leave will continue to accrue during the use of the ESLB. Extended sick leave time, in cases of employees who are eligible, will be deducted from the 12-week family and medical leave entitlement.
  - 3) Prior to returning to work from extended sick leave due to an employee's own medical condition, the employee must obtain a medical release, in accordance with the policy for Medical Certification, Examination, and Inoculation.
- C) Sick leave compensation will be at the normal rate of pay. Employees may use their sick leave for personal illness or injury, for personal medical and dental appointments, for any approved family and medical leave, for the illness or injury of a member of the immediate family or household or additional bereavement in accordance with established policy. For these purposes, the immediate family is defined as spouse, domestic partner, child, parent, mother-in-law, father-in-law, stepparent, sibling, grandchild or grandparent. Household includes anyone maintaining a family relationship living in an employee's home. Pregnancy and related illnesses shall be considered by the university as any other medical condition and will merit leave consideration as such. Up to six weeks of leave may be taken for the medical condition resulting from a normal delivery. Use of additional leave necessitated by medical complications requires an order from the employee's physician.
- D) Employees receiving sick leave pay may not work elsewhere without forfeiture of this pay, except when outside employment has been approved by the university. Employees working elsewhere or misusing sick leave may be suspended or discharged.
- E) Employees' supervisors or the Director of Human Resources may require documentation from a physician or other administratively acceptable proof when there is reasonable suspicion of misuse of sick leave.
- F) Sick leave benefits will apply only to employees' regular work schedules.
- G) Effective January 1, 1998, sick leave for all eligible civil service employees will be used in the following order:
- 1) Sick leave days earned and accrued before January 1, 1984;



- 2) Sick leave days earned and accrued after January 1, 1998;
- 3) Sick leave days earned and accrued on or after January 1, 1984 but before January 1, 1998.

- H) Upon termination of employment for any reason, an employee or an employee's estate is entitled to be paid for one-half of the unused sick leave which was accrued on or after January 1, 1984 and before January 1, 1998, except as limited by Illinois statute pertaining to the transfer or reemployment of State of Illinois employees to other state institutions or agencies.
- I) Subject to appropriate verification, current status employees within the State Universities Civil Service System or regular classified state civil service or personnel code department employees who are selected for permanent employment by this institution and who enter such employment without break in pay status will be credited with that amount of non-payable accumulated sick leave which they had to their credit on their last day of pay status in their previous state employment.

II) Vacation

- A) Permanent, apprentice, intern or provisional employees earn vacation based on the schedule listed below and proportionate to the percentage of full-time equivalent (FTE). The maximum amount of vacation employees can accumulate is based on their rates of vacation accrual. The maximum for each rate is equal to the amount of vacation that can be accrued in a two-year period at that rate of accrual. Once they reach the maximum, employees cease to earn additional vacation until they take some vacation.
- B) Use of vacation must be approved by department heads in advance except in cases of emergency, bereavement leave or disability leave.
- C) When employees separate from the university, they are paid for their unused, accrued vacation except as limited by Illinois statute pertaining to the transfer or reemployment of State of Illinois employees to other state institutions or agencies.

1) Non-Exempt Employees (37.5-Hour Work Week)

Years of Service	Approximate Days per Fiscal Year	Computer Maximum	Policy Maximum	Accrual Rate (Per Hour)
0-0.99	12	188.41	180.88	0.0462
1-1.99	13	203.91	195.75	0.05
2-2.99	14	219.82	211.02	0.0539
3-3.99	15	235.31	225.9	0.0577

4-4.99	16	251.22	241.17	0.0616
5-5.99	17	267.12	256.44	0.0655
6-6.99	18	282.62	271.31	0.0693
7-7.99	19	298.52	286.58	0.0732
8-8.99	20	314.02	301.46	0.077
9-9.99	21	329.93	316.73	0.0809
10.-10.99	22	345.42	331.61	0.0847
11-11.99	23	360.92	346.48	0.0885
12-12.99	24	376.92	361.75	0.0924
13-13.99	25	392.32	376.63	0.0962
14-14.99	26	407.82	391.5	0.1
15-15.99	27	423.72	406.77	0.1039
16+	28	439.22	420	0.1077

2) Non-Exempt Employees (40-Hour Work Week)

Years of Service	Approximate Days per Fiscal Year	Computer Maximum	Policy Maximum	Accrual Rate (Per Hour)
0-0.99	12	200.97	192.94	0.0462
1-1.99	13	217.5	208.8	0.05
2-2.99	14	234.47	225.09	0.0539
3-3.99	15	251	240.96	0.0577
4-4.99	16	267.96	257.25	0.0616
5-5.99	17	284.93	273.53	0.0655
6-6.99	18	301.46	289.4	0.0693
7-7.99	19	318.42	305.68	0.0732
8-8.99	20	334.95	321.56	0.077

9-9.99	21	351.92	337.84	0.0809
10.-10.99	22	368.45	353.71	0.0847
11-11.99	23	384.98	369.58	0.0885
12-12.99	24	401.94	385.87	0.0924
13-13.99	25	418.47	401.74	0.0962
14-14.99	26	435	417.6	0.1
15-15.99	27	451.97	433.69	0.1039
16+	28	468.5	448	0.1077

3) Exempt Employees (37.5-Hour Work Week) Hired After June 1970

Years of Service	Approximate Days per Fiscal Year	Computer Maximum	Policy Maximum	Accrual Rate (Per Hour)
0-2.99	25	392.32	376.63	0.0962
3-5.99	26	407.82	391.5	0.1
6-8.99	27	423.72	406.77	0.1039
9+	28	439.22	420	0.1077

D) With proper documentation, employees who have previously worked for other state of Illinois universities or state of Illinois agencies may receive credit for previous state service, which may result in higher rates of vacation accrual.

E) In the event of a change of status of a civil service employee, such as resignation, layoff of undetermined duration, termination, death, or retirement, the employee's payroll records will be closed and a lump sum payment of all earnings and accrued and unused vacation must be made, except as limited by Illinois statute pertaining to the transfer or reemployment of State of Illinois employees to other state institutions or agencies.

III) Medical

A leave without pay may be granted to status employees for medical reasons, when justified by their state of health and when recommended by their physicians. Employees must return to employment when released by their attending physicians in order to retain employment status. If the leave is for disability, accrued sick leave must be taken by the employee prior to beginning date of leave.

IV) University Activities

Excused absences with appropriate prior notification and approval of the department supervisor will be granted with pay to participate as a member of a university-sponsored or recognized activity. Examples of activities for which released time may be granted include, but are not limited to, the following organizations:

- A) Employees' Advisory Committee to the State Universities Retirement System
- B) Civil Service Council
- C) University Civil Service Advisory Committee to the State Universities Civil Service System of Illinois Merit Board
- D) University Joint Benefits Committee
- E) SIU Credit Union Board of Directors

V) Voting in Elections

Employees will be excused, without pay, to vote in a general election not exceeding 2 hours provided the said employees are scheduled to work more than 4 hours during the hours the polls are open.

VI) Mutual Benefit

A leave without pay, for reasons other than disability, which represents a proposal of mutual benefit to the employee and the university, may be approved by the employee's fiscal officer with the concurrence of Human Resources. The duration of a nondisability leave is determined by the department head, Human Resources, and the employee.

3. Faculty and A/P

a. Leaves/Absences

[The following was approved on May 23, 1996, with amendments on June 27, 1997, October 9, 1998, July 9, 1999, and September 20, 2000, in accordance with provisions set forth in SIU Board of Trustees 2 Policies C.] Per current Board Policy, the following was approved by the Chancellor of Southern Illinois University Carbondale on August 26, 2004.

I) Sick Leave

- A) Faculty and administrative/professional staff employees at Southern Illinois University Carbondale with continuing appointments and coaches with multi-year term appointments shall be granted both non-accruable and accruable sick-leave benefits. These benefits will be implemented in accordance with administrative guidelines authorized by the Chancellor of Southern Illinois University Carbondale and approved by the President of the Southern Illinois University System.
- B) Non-accruable sick-leave benefits will be granted to all faculty and administrative/professional staff on full-time academic- or fiscal-year appointments at the rate of 43 work days per contract year.

- C) Accruable sick leave will be awarded to faculty and administrative/professional staff with continuing appointments and to coaches on multi-year term appointments at the rate of 7.2 work days per contract year. Term appointment employees, with the exception of coaches on multi-year term appointments, shall be ineligible for accruable sick leave. Faculty or staff carrying split appointments (i.e., in part continuing and in part term) are eligible to accrue sick leave.
- D) Both the non-accruable and accruable sick-leave benefits for eligible part-time faculty and administrative/professional staff will be prorated in accordance with the percentage of time provided in the appointment.
- E) Sick leave for all eligible faculty and administrative/professional employees will be used in the following order:
  - 1) Non-accruable sick-leave days for the current fiscal year;
  - 2) Sick-leave days accrued before January 1, 1984;
  - 3) Sick-leave days earned and accrued after January 1, 1998;
  - 4) Sick-leave days accrued on or after January 1, 1984 but before January 1, 1998.
- F) Accrued sick leave is transferable within the Southern Illinois University system.
- G) Before sick-leave benefits are made available, the employee's supervisor or the Director of Human Resources may require documentation of an illness from a physician or other administratively acceptable proof.
- H) Employees may use their sick leave for personal illness or injury, for personal medical and dental appointments, for any approved family and medical leave, for the illness or injury of a member of the immediate family or household or additional bereavement in accordance with established policy. For these purposes, the immediate family is defined as spouse, domestic partner, child, parent, mother-in-law, father-in-law, stepparent, sibling, grandchild or grandparent. Household includes anyone maintaining a family relationship living in an employee's home.
- I) Pregnancy and related illnesses shall be considered by the university as any other medical condition and will merit leave consideration as such. Up to six weeks of sick leave may be taken for the medical condition resulting from a normal delivery. Use of additional leave necessitated by medical complications requires an order from the employee's physician.
- J) Sick leave must be exhausted before an employee can become eligible for SURS disability benefits.
- K) Upon termination of employment for any reason, an employee or employee's estate is entitled to be paid for one-half of the unused sick leave which was accrued on or after January 1, 1984 and before January 1, 1998, except as limited by Illinois statute pertaining to the transfer or

reemployment of State of Illinois employees to other state institutions or agencies.

II) Vacation

A) Members of the faculty who hold nine-month academic appointments shall not be eligible to earn or accrue vacation benefits. For such faculty, the time in the calendar not covered by the contract period of annual service constitutes a vacation period.

B) The following policy shall govern vacation benefits for faculty and administrative/professional staff on fiscal-year appointments:

1) Vacation for faculty and administrative/professional staff employees on fiscal-year appointments shall be earned at the following rates:

Years of Employment	Days Earned	Monthly Accrual Rate	Maximum Accrual
0-3	25	2.083	50
4-6	26	2.166	52
7-9	27	2.250	54
10+	28	2.333	56

2) Part-time employees in fiscal-year appointments shall earn vacation in accordance with the proportionate rate of the contract.

3) Employees in continuing fiscal-year appointments and coaches on multi-year term appointments may accrue up to two years vacation credit, but no additional accumulation will be credited to their account whenever a two-year maximum is accrued.

4) Employees in fiscal-year appointments may use all or part of their earned or accrued vacation prior to entering a disability leave or absence without pay. Unused accrued vacation benefits will be retained on university records pending the employees' return to pay status.

5) Vacation is not earned during a period of sabbatical leave or professional development leave or leave without pay.

6) In the event a change of status occurs, such as resignation, layoff of undetermined duration, termination, death, or retirement, the employee's payroll records will be closed and a lump sum payment of all earnings and accrued and unused vacation must be made, except as limited by Illinois statute pertaining to the transfer or reemployment of State of Illinois employees to other state institutions or agencies.

- 7) Employees in term, fiscal-year appointments, with the exception of coaches on multi-year term appointments, must use the vacation benefits during the period of appointment or the benefit will be lost to the employee. Should death occur during a term fiscal-year appointment, earned but unused vacation benefits will be paid in a lump sum.
- 8) Employees whose continuing fiscal-year appointments have been converted to term appointments may maintain such vacation accruals as were earned in the prior fiscal-year appointment but are subject to paragraph f above with respect to vacation earned during subsequent term appointments.
- 9) Employees who are in term fiscal-year appointments on a temporary basis and who retain continuing fiscal appointment status are not subject to paragraph f and will accrue vacation as indicated in paragraph b above.
- 10) Employees who are in a term appointment may accrue vacation and sick benefits commensurate with employees on a continuing appointment at the discretion of the Chancellor.

### III) Personal Leave

- A) A leave without pay may be granted for a number of reasons:
  - 1) acceptance of a visiting appointment at another college or university, a fellowship or
  - 2) scholarship for advanced study, an opportunity to travel and/or engage in research, or
  - 3) any number of other personal reasons which would require absence from the campus for an extended period.
- B) Only members of the faculty or administrative/professional staff who are on continuing appointment are normally eligible to receive an extended leave without pay. This type of leave shall not be granted to any employee who has accepted a bona fide, continuing position elsewhere.
- C) The regular appointment status of an A/P staff employee shall not be affected by such leave of absence, unless the employee and supervisor establish in writing mutually agreeable terms of leave.
- D) Upon return from such leave, the employee shall be restored to the position (s)he held immediately prior to the leave with all previously accrued rights, salary, and benefits. The right to return from a leave cannot extend beyond the term of the contract from which the leave is taken. Salary increases that occur among A/P staff in the employee's absence are not automatically extended to an employee on an unpaid leave of absence. The supervisor will determine whether or not a salary

increase is justified at the return of the staff member from an unpaid leave of absence, and shall be contingent upon availability of funds. The A/P employee taking leave without pay is responsible for contacting Employee Benefits to arrange for personal payment or termination of employee benefits during the leave of absence. Vacation and sick leave benefits do not accrue during the period of leave, and granted leave will be prorated and adjusted as applicable.

- E) Leaves without pay for educational purposes are granted by the department, with dean and provost approval, and must be based upon clearly documented educational benefit to the university.<sup>17</sup>
- F) Personal leaves without pay must be approved by the fiscal officer, dean or director, and the appropriate vice chancellor.
- G) A leave without pay will normally be granted for a period of no longer than one year (9 months if on an academic-year appointment, 12 months if on a fiscal-year appointment). A second year may be approved based on the following guidelines:
  - 1) any desired change in the conditions of an approved leave without pay must be submitted in writing by the individual to the department head or supervisor at least 3 months prior to the end of the approved leave. A response indicating either approval or denial of the request must be made by the university within 30 days of the receipt of the request;
  - 2) any desired change in the conditions of a leave without pay will only be approved if it is in the best interest of both the individual and the university. In the case of faculty, periods of leave without pay do not count toward the minimum years of service required for a sabbatical leave, but do account in the accumulation of service towards tenure.

#### IV) Professional Development

A faculty or administrative/professional staff member of Southern Illinois University Carbondale shall be eligible, subject to the conditions of this policy, for professional development leave(s) with pay. All leaves approved hereunder are tentative until ratified by the Board of Trustees (2 Policies B.2.e.)

##### A) Leave of Absence

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<sup>17</sup> During an educational leave without pay and personal leave for medical reasons, the state continues to pay the employer's portion of the State of Illinois Group Insurance premiums. For all other forms of personal leave employees may elect either to continue health and life insurance at their own expense or to terminate the benefits for the duration of the leave. In the latter case, they must reapply for health benefits for dependents at the end of the leave, providing proof of insurability at that time. Employees may elect to contribute to the State Universities Retirement System during personal leave. If they choose not to do so, they may purchase that credit at a later date, prior to retirement. Disability, death, and survivor coverage is provided to employees on unpaid leave even if they do not pay contributions to SURS during that time.



- 1) Professional development leave will be considered when demonstrable benefits would accrue to the employee and the university by the grant of such a leave. Such benefits may include, but are not limited to, increasing the effectiveness or efficiency of the higher education processes of the university; improving the professionalism of the employee in the performance of assigned responsibilities; and retraining and reorienting employees for new roles within the university.
- 2) The length of a professional development leave with pay shall be determined by legitimate requirements of a proposal submitted, but shall not exceed a maximum of one calendar year.
- 3) Application for professional development leave must include a precise statement indicating the purpose of the leave and the benefits to be derived therefrom. Application for professional development leave shall be submitted, in the case of faculty members, to the department chair, the dean or comparable administrative officer, and the appropriate vice chancellor. Application for professional development leave shall be submitted, in the case of administrative/professional staff members, to the immediate supervisor of the employee, the dean (if appropriate), and the appropriate vice chancellor, or the chancellor for those employees not reporting to a vice chancellor.
- 4) The application shall include a statement describing the applicant's obligation, if granted the leave, to return to the university for a period of service as follows: in the case of a sabbatical leave - one year following the conclusion of the leave; in the case of a professional development leave - a period equal to the length of the leave. A staff member who fails to return following the leave or who fails to serve the full period as described above must reimburse the university for a percentage of salary equivalent to the percentage of time remaining in the obligated period of service.
- 5) A written report summarizing what was accomplished during the leave shall be submitted to the appropriate vice chancellor or the chancellor, as applicable, within six months following the completion of a professional development leave.
- 6) A recipient of a professional development leave shall be permitted to receive additional financial assistance from sources other than the university, provided that specific arrangements concerning such assistance have received administrative approval by the chancellor prior to the granting of the leave.

- 7) Individual leaves awarded under this policy shall be reported to the Board of Trustees for ratification along with the other personnel matters.
- 8) A faculty or administrative/professional staff member on a fiscal year appointment and approved for professional development leave is not eligible to accrue vacation during the period of the leave. The individual is expected to take vacation during the leave in accordance with university vacation policy for fiscal-year employees.

B) Release Time with Pay

[In accordance with the authorizing statement in 2 Policies B.2.e. of the Southern Illinois University Board of Trustees, the following policy on release time with pay for SIUC administrative/professional staff was approved on September 20, 2000.]

- 1) Released time with pay may be granted to administrative/professional staff for participation in professional development activities, which are mutually beneficial to the university and the employee. Released time would normally be used for activities of brief duration or occurring intermittently over a longer period of time. Activities covered by this policy are those not requiring a leave of absence. Such activities include but are not necessarily limited to attendance at professional meetings, fellowships, internships, research work, and continuing education.
- 2) In order to qualify for released time, the employee must provide a written statement documenting the need for the released time, i.e., the professional activity to be pursued, the expected duration of the activity and the recommended nature of relief from specified assignments. Examples of ways such relief may be provided include reassigning duties within the unit, extending deadlines, and/or hiring temporary staff. Written approval of the department supervisor for the use of released time is required. The approval will include a statement regarding the relief from specified assignments that will be provided.
- 3) Approved use of released time shall not be charged to vacation, but shall be reported on the Absence Request form as "university business."

V) Sabbatical Leave

[In accordance with the authorizing statement in 2 Policies C.3.b.5. of the Southern Illinois University Board of Trustees, the following policy on sabbatical leaves for SIUC faculty was approved on December 11, 1980, with revisions approved by the President on January 28, 1986.]

A faculty member of Southern Illinois University Carbondale shall be eligible for sabbatical leaves with pay, subject to the conditions of the following policy. All sabbatical leaves approved hereunder are tentative until ratified by the Board of Trustees (2 Policies B.2.e).

- A) A sabbatical leave program is essential to provide opportunities for continued professional growth and development of the faculty and to insure that the academic vitality of the university is maintained. The plan for a sabbatical leave should include such activities as course development, research, additional study, and preparation in new or different fields, any of which pertain to projects that relate to the educational mission of the university and to the professional development of the faculty member.
- B) A full-time, tenured member of the academic faculty may be granted two types of sabbatical leave:
  - 1) Full sabbatical option: At the end of six years of service from the initial date of full-time appointment or six years of service from the termination date of a previous sabbatical leave, the faculty member is eligible for a full sabbatical. A full sabbatical may be granted
    - a) at full pay for 4 1/2 months for faculty on academic-year appointment<sup>18</sup> and for 6 months for faculty on fiscal-year appointment; or
    - b) at half pay for a calendar year for faculty on academic- or fiscal-year appointment. A calendar year is considered to run from the beginning of the fall or spring semester to the beginning of the following fall or spring semester, respectively; or from the end of the fall or spring semester to the end of the following fall or spring semester, respectively; or for a 12-month period, generally but not necessarily, commencing on July 1 and concluding on June 30 of the following year.
  - 2) Partial sabbatical option: At the end of three years service from the initial date of full-time appointment or three years from the termination date of a previous sabbatical leave, a faculty member is eligible for a partial sabbatical leave. A partial sabbatical leave may be granted for 4 1/2 months for faculty on academic-year appointment and 6 months for faculty on fiscal-year appointment at half pay.
- C) All time spent on unpaid leaves of absence shall be excluded in the calculation of sabbatical eligibility.

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<sup>18</sup> Faculty who apply for and receive a full-pay, 4 1/2 month sabbatical may apply for a six-week extension to be taken during the summer. Guidelines for applying for a sabbatical extension are distributed each fall by the Vice Chancellor for Academic Affairs and Provost.

- D) Applications for sabbatical leave are to be submitted by the department chair to the dean of the college or school and by the dean to the Vice Chancellor for Academic Affairs and Provost, in accordance with the time schedules established in the Planning Calendar. Each application (four copies) is to be supported with a detailed statement to show it is for professional improvement of the faculty member and is likely to contribute to the university's academic excellence. When submitted to the vice chancellor, the applications for sabbatical leave should be accompanied by a listing from the dean of the priority order of the applications.
- E) A recipient of a sabbatical leave is permitted to receive additional financial assistance from sources other than the university, provided the specific arrangements have received administrative approval. Sources other than the university shall, for the purposes of this paragraph, include externally funded grants, contracts, and fellowships awarded to the university for support of the plan of the recipient's sabbatical leave. However, during the period of sabbatical leave, a faculty member shall engage in salaried work for another employer only with the prior approval of the chancellor or the Vice Chancellor for Academic Affairs and Provost.
- F) The application shall include a statement describing the applicant's obligation, if granted the leave, to return to the university for a period of service as follows: in the case of a sabbatical leave - one year following the conclusion of the leave; in the case of a professional development leave - a period equal to the length of the leave. A staff member who fails to return following the leave or who fails to serve the full period as described above must reimburse the university for a percentage of salary equivalent to the percentage of time remaining in the obligated period of service.
- G) A written report by the faculty member summarizing what was accomplished during the leave shall be submitted to the department chair, the dean, and the Vice Chancellor for Academic Affairs and Provost within one semester following the termination of the leave.
- H) If a sabbatical leave is granted for a full year at half pay, a temporary replacement may be authorized to the department within the budgetary constraint of the half salary of the sabbatical leave request. If a sabbatical leave is granted at full pay, a replacement is not authorized, and the department is expected to absorb the work load.
- I) A faculty member appointed on a fiscal-year basis, and approved for a sabbatical leave, is entitled to vacation time based on his/her period of campus service only.

## G. Campus Closure

### 1. All Employees

a. Administrative Closure

[The following was approved by the Chancellor of Southern Illinois University on May 1, 1989, with amendments on March 6, 1999 in accordance with SIU Board of Trustees 2Policies C.3.b.4.]

The decision to close any or all parts of the Southern Illinois University campus or to cancel classes may be made by the chancellor or his/her authorized designee in response to a natural emergency, in support of national or state policy, or for reasons of health and safety. In the event of such action, the following procedures will be observed:

- I) The chancellor may determine, after due consideration of the gravity of the situation, to cancel classes only or to effect a total or partial university closure. If classes only are cancelled, the chancellor may also decide to issue a university weather advisory to university employees.
- II) A statement will be issued from the chancellor's office announcing class cancellation, or the parts of the campus to be closed, and the exact time of closure and planned reopening. Subsequent statements may be issued altering the time of reopening as conditions may warrant. When the university is closed, all but essential services will be discontinued.
- III) Classes only cancelled: if classes only are cancelled, administrative and civil service employees will be required to be at their work stations. In order to allow adequate time to disseminate the information to those affected, any decision by the chancellor to cancel classes will normally be made prior to 7:00 A.M. This decision will be communicated through text messages, mass emails, and the University's home web and Facebook pages.
- IV) Administrative closure may also be declared by the chancellor for a period of up to 3 working days during the period December 23 through January 2 when such closure can be justified economically. Days designated for administrative closure and justified by economic circumstances during this period will be considered days of paid leave for affected faculty and staff.
  - A) As a general rule, the decision to effect a university closure will be made prior to the start of a normal work day, before 7:00 A.M. This decision will also be communicated through text messages, and mass emails. In addition, the university's home web and Facebook pages will include information regarding administrative closures.
  - B) Each vice chancellor will be responsible for designating those essential units and staff necessary to maintain operations. Vice chancellors should pre-plan descriptions of essential services and staff in their own areas based on the necessity to provide for the safety and well-being of the campus community.

- C) Personnel regularly scheduled but not required to work during the closure will be paid their regular rate of pay. Non-exempt<sup>19</sup> personnel required to work during the closure period may elect additional pay at their regular rate or compensatory time off. Exempt personnel required to work will receive compensatory time off.
  - D) Student workers, who are scheduled to work but are not required to report during the closure, will not be paid; however, supervisors should rearrange work schedules when possible so that the affected student workers will be able to make up the work time lost. Student workers who are scheduled and required to work when the university is closed will be paid at their regular rate for the actual number of hours worked.
  - E) Upon hire, designated essential staff will be informed of the requirement to work during administrative closure.
- V) University Weather Advisory: Rather than deciding to close the university or to cancel classes, the chancellor may decide to issue a University Weather Advisory. This action could be taken if hazardous weather conditions develop subsequent to the start of a normal work day. It would authorize employees currently at work to 1) leave work early (after notifying their supervisors and using accrued vacation time, if qualified to use it, or approved leave without pay), or 2) continue to work. Those employees scheduled for shifts starting subsequent to the University Weather Advisory would be authorized to 1) report for work as usual, or 2) not report for work (after first contacting supervisory personnel so that management is aware of their absence, and using accrued vacation time, if qualified to use it, or approved leave without pay).
- A) A University Weather Advisory will normally last no longer than a 24-hour period, and employees in essential positions may be required to work their regular hours at regular pay during this period.
  - B) When such a decision is made, information related to a University Weather Advisory will be communicated through administrative channels to employees in the following manner:
    - 1) The chancellor or her/his authorized designee will declare the University Weather Advisory and will notify all vice chancellors of his/her decision.
    - 2) Each vice chancellor will notify all departments within his/her jurisdiction by phone call of the declaration of the University Weather Advisory. Each department head will then notify employees in the unit in as expeditious yet reasonable a manner as possible.

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<sup>19</sup> Non-exempt are those employees, as defined by the Federal Fair Labor Standards Act, whose duties and responsibilities are subject to the minimum wage and overtime provisions of the Act. See [webapps.dol.gov/elaws/flsa.htm](http://webapps.dol.gov/elaws/flsa.htm)

- 3) Supervisors and/or employees may contact Human Resources to receive clarification as the declaration or implementation of the University Weather Advisory.
  - 4) Employees on other than daytime shift should contact their supervisors or Human Resources during inclement weather to determine whether or not a University Weather Advisory has been issued. In those cases where classes have been cancelled and a University Weather Advisory has been issued for other campus operations, the information will be carried by area radio stations.
- VI) The chancellor may decide that hazardous weather or other emergency conditions call for classes to be cancelled when students are returning to campus from a vacation period. This may call for either a total university closure or a University Weather Advisory. This decision would normally be made by noon of the day prior to the day classes are scheduled to resume. In addition to disseminating this information through the means described above, the decision to cancel classes under these conditions would also be communicated through state-wide radio stations and other feasible means.
- b. Fiscal Emergency

[The following was approved by the Board of Trustees of Southern Illinois University on June 14, 1984, and appears as SIU Board of Trustees 2 Policies C.1.e-i.]

- I) Declaration of a fiscal emergency and specific direction to cope with such emergency lie within the authority of the Board.
  - A) It shall be the responsibility of the Board to determine that a fiscal emergency exists and to assess the extent of that emergency.
  - B) A fiscal emergency as recognized by the Board may vary in degree, ranging from a temporary financial crisis to a long-term loss of resources.
    - 1) A short-term fiscal emergency is the condition of financial necessity which results when a decline in financial support is such as to require a reduction within the fiscal year in the personal services budget exceeding that which may be accomplished by attrition or non-renewal of term positions or other such measures after all workable reductions in support and operational costs have been made.
    - 2) A long-term fiscal emergency is the condition of financial exigency which results when an imminent financial crisis will require long-term programmatic reductions and termination of tenured faculty.
- II) A declaration of fiscal emergency for either institution or for the system will be considered by the Board of Trustees when a proposal to that end from a chief executive officer to the president (or by the president for the Office of the Board of Trustees/Office of the President) is placed on the Board agenda.

- A) Representatives of the concerned university constituencies shall be consulted as far in advance as possible and continuously involved in making the decision to ask that the Board declare a condition of fiscal emergency.
  - B) A matter proposing the declaration of a fiscal emergency and approval of a plan developed to deal with that emergency shall contain the following information:
    - 1) A description of the fiscal situation which makes the action advisable;
    - 2) A description of specific economy measures, such as the reduction of support costs, freezing of vacancies, non-renewal of term positions, and the like, which have already been invoked in an effort to deal with the situation;
    - 3) A description of the proposed action;
    - 4) An explanation of how the proposed scope and manner of execution of the proposed measures are proportional to the fiscal emergency and will cause the least possible disruption of the educational process and will inflict minimal hardship on employees;
    - 5) An indication of how employees will be notified of the measures to be implemented by the proposed action and the method and period of notice to apply before that implementation;
    - 6) A specification of the exemptions from the proposed action, if any, which will be required to safeguard the campuses and the conduct of uninterrupted activity if the proposed action is authorized, and an indication that the proposal otherwise has general application across the university employment spectrum, including administrative personnel;
    - 7) A report on the manner in which the constituencies have had an opportunity both to review the situation and the proposed action and to advise the executive officer;
    - 8) An indication of how the proposed action will apply to civil service employees in terms of established civil service rules and regulations.
- III) The Board will authorize actions to adjust university operations to the limitations of a declared fiscal emergency.
- A) The Board must be satisfied that all reasonably possible economic measures have been taken before authorizing a reduction in personal services.
  - B) The Board will authorize procedures commensurate with the magnitude of the fiscal emergency. Such procedures may include but are not limited to measures such as invoking a mandatory leave without pay for all employees in a declared financial necessity situation or such measures as



long-term programmatic reductions requiring termination of appointment for employees with and without tenure in a declared financial exigency situation. Such procedures will be open to review and comment by administration and constituency bodies.

- C) In a fiscal emergency situation, if budget reductions across the board are mandated by the Board, each basic academic or service unit will be involved in distributing its specific program and personnel changes.
  - D) In a financial exigency situation, if budget reductions mandated by the Board are to be made programmatically, the administration will involve an appropriate faculty or constituency body in determining where, within the overall academic or other program, termination of appointments may occur.
  - E) Any actions affecting an institution resulting from a declaration of fiscal emergency shall recognize the personnel policies of that institution so far as they are not in conflict with the fiscal procedures approved to cope with the emergency.
  - F) A declaration of fiscal emergency will be in effect only during the fiscal year for which it is declared.
- IV) Employees who receive notices that their appointments are to be terminated or who are placed into a leave of absence status because of a fiscal emergency shall have the right to appeal through appropriate university grievance procedures.
- V) Pursuant to 2 Policies of the Board (C.1.c.3), the basic term of faculty appointment remains the academic year, and individual contract renewals which reduce the period of employment to not less than an academic year will continue to be at administrative discretion.

c. Holidays

[The general portion of this policy was approved on November 3, 1982 and amended on July 11, 1985. The portion relating to civil service employees was approved on April 29, 1986 and amended on October 14, 2005.]

I) General

- A) Paid holidays shall not exceed 5, in addition to those prescribed by law, except for emergencies, or as provided in any notice of administrative closure. The executive officers shall designate one of those holidays as the Dr. Martin Luther King, Jr. holiday, and individually determine designations for the others (Board of Trustees 2 Policies, C.3.b.1).
- B) Southern Illinois University Carbondale will be closed and all employees will be excused, except in emergencies and for necessary operations, on the following holidays: New Year's Day, Memorial Day (as determined by the law of the State of Illinois), Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and 5 holidays to be designated by the chancellor of the university.

- C) The schedule of holidays will be designated by the chancellor for publication by July 1 of each year.
- II) The following provisions apply specifically to civil service employees:
  - A) Permanent, apprentice, learner, trainee, and provisional employees in range, negotiated, prevailing and established classifications will be compensated for the holiday at their regular rate of pay.
  - B) In the event that work is required on a university holiday listed above by non-exempt range employees, compensation will be at time and one-half their regular rate of pay, in addition to regular compensation, with overtime compensation to be paid in accordance with the policy on overtime compensation (Personnel Policies, V.B.2). Negotiated employees will be compensated under the terms of the applicable negotiated contract. Prevailing employees will be compensated in accordance with the prevailing practice in the area which will ordinarily be established by a multi-employer area agreement.
  - C) When a holiday falls on the sixth day of the administrative work week, the day preceding it will be recognized as a holiday. When a holiday falls on the seventh day of the administrative work week, the day following it will be recognized as a holiday.
  - D) Employees who normally work other than a Monday-through-Friday schedule, and who are not scheduled to work on a recognized holiday, will receive, as necessary operations permit, either 1) the scheduled day off nearest the recognized holiday, or 2) an additional day's pay at the regular rate.
  - E) Any other holiday or emergency time off becomes the prerogative of the chancellor.
  - F) For employees to receive holiday benefits, they must work or must be in pay status the scheduled work day preceding and following the holiday, unless absence on either or both of these work days is approved by the department head and Human Resources.

## H. Benefits

### 1. All Employees

#### a. Tuition Waivers for Employees

[The following was approved on May 23, 1996, with amendments on November 30, 1998, and September 10, 2001, in accordance with provisions set forth in SIU Board of Trustees 4 Policies A.6.a.]

- I) The university grants full waiver of tuition for undergraduate and graduate courses for the following: all SIUC employees on pay status, SIUC retirees, employees on leave or layoff. Employees on extra-help civil service appointments are not eligible. (Employees on pay status must be employed during the term for which the waiver is applied.) Appointees with 0 percent

appointments are ineligible to receive tuition waivers. The waiver is not applicable to professional programs, i.e. School of Law or the School of Medicine.

- II) The waiver benefit does not limit the number of credit hours that may be taken each semester. However, since the Graduate School has established a limit of 8 graduate hours per semester for full-time employees (a limit of 6 graduate hours for summer semesters), full-time employees seeking to register for hours that exceed these limits must seek approval from the Graduate School.
  - III) Employees with appointments of less than 50 percent time must pay the Student Health fee and will be eligible for that service. However, a refund of this fee will be extended to the employee if proof of duplicate medical coverage is provided to the Administrative Director of the Student Health Programs or his/her designee. Similarly, a refund is authorized for those employees precluded from use of the Student Health Programs by unusual or extreme geographic conditions (4 Policies B.12).
  - IV) In the case of civil service employees, work time lost in attending classes may either be made up at a time mutually agreeable to the employee and supervisor or charged against the employee's accumulated vacation. Lunch hours, which are not considered basic work time, may be used as make-up time. In some instances, the Director of Human Resources may, to further the best interests of the university, require or authorize civil service employees to take courses during working hours. In such instances, the employees are not required to make up lost work time.
- b. Tuition Waiver for Dependents of Deceased Employees

[The following was approved on May 23, 1996, in accordance with provisions set forth in SIU Board of Trustees 4 Policies A.6.]

- I) Surviving spouses and dependent children of deceased SIUC employees are eligible for tuition waivers exclusive of fees for a period not to exceed 8 semesters under the following conditions:
- II) A "deceased university employee" is defined as one who, at the time of death, was in active pay status, in retirement status, or in disability status and who had served the university for at least 5 years in a full-time capacity;
- III) Children must be natural-born or adopted children who were considered dependents of the deceased for federal income tax purposes, or foster children who were supported by and lived in the home of the deceased employee for at least 5 years and were considered dependents for federal income tax purposes;
- IV) Spouses and children are not eligible for tuition waivers if they are employed by the university in any capacity other than as student employees or are receiving aid under a program that provides tuition reimbursement;
- V) Children shall not be eligible for participation if they have passed the age of 22 at the time of the death of the employee unless they are enrolled in the

university at time of death. Eligibility of dependent children shall terminate at age 28.

c. Tuition Waiver for Children of Seven-Year Employees

[The following was approved by the Board of Trustees of Southern Illinois University on May 14, 1998 and appears as SIU Board of Trustees 4 Policies A.6.f.] Per current Board Policy, the following was approved by the Chancellor on August 26, 2004.

l) Interinstitutional Undergraduate Tuition Waiver

- A) Eligibility: As required by 110 Illinois Compiled Statute 520/8f, the applicant for this benefit must be under the age of 25 at the commencement of any academic year in which the benefit is claimed, must qualify for admission to the university under its usual rules, and must maintain satisfactory academic progress toward graduation (as defined in university Financial Aid rules) in order to claim the benefit in each following year.
- B) Duration: The tuition waiver will be granted for a total of 130 semester hours. The parent must be a seven-year employee, as defined below, of a qualifying institution at the time each term's benefit is claimed. Subsequent terms need not be consecutive. The benefit is not applicable for non-credit or graduate or professional studies.
- C) Amount: The maximum amount of waiver any student may receive under this program shall be 50% of the tuition for the number of credit hours in which the student is enrolled. Fees other than tuition are not affected.
- D) Ownership: The statute grants the tuition waiver to the student, who consequently has sole control of it unless under some legal disability. The benefit will therefore be granted upon application of any eligible student for any school term within the duration of the waiver.
- E) In the administration of the 110 Illinois Compiled Statute 520/8f, the following terms shall have the meanings set forth:
  - 1) Employing Institution: The university where the employee is actively employed at the time the partial tuition waiver is utilized.
  - 2) Employment at Illinois University: Employment at any of the designated universities specified in 110 Illinois Compiled Statute 520/8f including all campus and office locations under the present or former jurisdiction of Illinois senior public university governing boards including the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University and Western Illinois University.
  - 3) Employment Eligibility: Eligibility for the 50% tuition waiver benefit is conditioned upon the parent being employed, and having seven or

more full years of total (consecutive or non-consecutive) university employment, as of the first day of the academic term or semester (in accordance with the academic calendar where the student is enrolled) for which the tuition waiver benefit would apply. Employment among different universities shall be cumulative in terms of fulfilling the seven year requirement. For purposes of eligibility standards, university employment must be a full-time-equivalent rate of 50% or more in a SURS-eligible appointment capacity. An eligible child of an employee who is on approved leave of absence, and not on permanent layoff status, at the time of application for the benefit shall be authorized for participation consistent with the public act.

- 4) Employment: Employment shall be defined as 50% time or greater over a minimum of seven academic years under the jurisdiction of Illinois senior public university governing boards (as defined above) in a capacity that is eligible for participation in the State Universities Retirement System (SURS). Eligibility for participation with SURS includes employees with appointments (excluding extra-help, graduate assistants and student workers) of 4 months or greater. Employees who complete a 9-month appointment comprising a full academic year for purposes of benefits eligibility shall receive the full-year service credit so long as this appointment was made on a 50% or greater basis.
- 5) Child: Subject to the eligibility provisions of 110 Illinois Compiled Statute 520/8f, an eligible child include the natural, adoptive, or step child of the employee.

F) Appropriate documentation may be required by the Human Resources department of the employing campus.

## II) Southern Illinois University Undergraduate Tuition Waiver

In addition to the Interinstitutional tuition waiver benefit listed above, a waiver will be extended to eligible children of a seven year employee of Southern Illinois University who has retired or who is on permanent layoff status, and to the natural or adopted children of a domestic partner, who is not an employee at Southern Illinois University Carbondale. Subject to the requirements listed above, an eligible child will be entitled to a 50% waiver of the undergraduate tuition for the number of credit hours in which the student is enrolled at Southern Illinois University.