



**CLOSED MINUTES OF THE TWO-HUNDRED-AND-TWENTY-FIRST  
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –  
MARCH 16, 2023**

**State Universities Civil Service System (University System)  
1717 Philo Road, Suite 24,  
Urbana, IL 61802  
& WebEx**

Chicago State University  
Cook Administration Building  
9501 South King Drive  
ADM Room 201  
Chicago, IL

Illinois State University  
718 W. College Avenue  
Room NSB 101A  
Normal, IL

Northeastern Illinois University  
5500 North St. Louis Avenue  
Student Union Building, Room 215  
Chicago, IL

University of Illinois at Chicago  
Room 201D  
715 S. Wood Street  
Chicago, IL

Western Illinois University  
1 University Circle  
Sherman Hall – Conference Room 205  
Macomb, IL

Members present at the University System and via WebEx were: Julie Annette Jones, Chair, Barb Baurer, Pedro Cevallos-Candau, and Polly Radosh.

Member present by WebEx location not listed on page 1: John R. Butler.

Members absent were: Jason Quiara and John Simmons.

Also present were Gail Schiesser, Executive Director; Don Harsh, Legal Counsel; and Teresa Rademacher, Secretary for the Merit Board.

Chair Jones stated that the purpose of the Executive Session was to discuss a litigation matter, Ara Gardner's discharge case.

Chair Jones called the closed session to order at 2:20 pm.

Dr. Cevallos-Candau motioned to suspend Robert's Rules of Order during the closed session. Dr. Radosh seconded Dr. Cevallos-Candau's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion carried.

Dr. Cevallos-Candau .....	Aye
Chair Jones .....	Aye
Mr. Quiara .....	Absent
Dr. Radosh .....	Aye
Mr. Simmons .....	Absent
Ms. Baurer .....	Aye
Dr. Butler .....	Aye

Chair Jones reminded board members that the decision must be made based on the facts in the hearing record. The comments provided during public comments are not to be used in deciding this matter.

Dr. Butler stated that he had concerns about the lack of record for progressive discipline regarding this matter. The most severe issue is leaving the one-to-one patient; the most recent discipline was from 2015, which was some time ago. He was also concerned with the time lapse between when the incident happened and the discharge.

Chair Jones stated she also had some of the same concerns. The board has advised the Human Resources (HR) department at the universities that progressive discipline is expected in these matters if they want to support in the discharge cases. This is not new information for the HR departments; they have heard this from the board before. An issue that happened in 2015 is not progressive discipline, and she also had concerns with the timeline. The incident occurred on the first, and the investigation did not happen until much later. Those that gave testimony today spoke more about bullying, not this incident, leaving Chair Jones to think this is more about that, than the incident. If the university wants to address bullying, it must address that issue. Per the record, most handoffs are as casual as the handoff in this incident.

Dr. Cevallos-Candau asked what kind of training the employee received. Ms. Bauer stated that the record indicated no formal recognition that training had occurred. Ms. Bauer also agreed with Dr. Butler and Chair Jones, and there was no unsatisfactory performance. She also stated that Ms. Gardner was truthful, and it seemed there was a communication breakdown. She further stated that she did not see any foundation for discharge.

Chair Jones stated that, per Ms. Morgan's testimony, an informal handoff was normal for handing off one-to-one patients. Ms. Baurer stated she also had concerns about the lack of progressive discipline that would lead to discharge.

Dr. Butler stated that in the record, the employee relations specialist admitted that progressive discipline was not brought against Ms. Gardner. Legal Counsel for the university wanted to give the impression they had and that this was really bothersome from Dr. Butler's standpoint. He

stated that there seems to be a misunderstanding; the employee left the patient with another trained employee, which leads us to think this is less severe.

Chair Jones stated she agreed Ms. Gardner left the patient with a nurse. One could argue the nurse should not have left if leaving the patient was an issue. Ms. Gardner put her in a bad spot, but you deal with that later; you do not leave because of how the patient was handed off. She is the one that left the patient alone and in a potentially dangerous situation, not Ms. Gardner.

Dr. Radosh stated that the time between the incident and the charges did not confirm this was a severe issue.

Dr. Butler made a motion to close the closed session. Ms. Baurer seconded Dr. Butler's motion. In accordance with the Merit Board Bylaws, a roll call vote was taken, and the motion carried.

Dr. Butler .....	Aye
Dr. Cevallos-Candau .....	Aye
Chair Jones .....	Aye
Mr. Quiara .....	Absent
Dr. Radosh .....	Aye
Mr. Simmons .....	Absent
Ms. Baurer .....	Aye

The Merit Board returned to Open Session at 3:04 pm.

Respectfully submitted,

*/s/ Teresa Rademacher*

Teresa Rademacher  
Secretary for the Merit Board

APPROVED:

*/s/ Julie Jones*

Julie Jones, Chair  
University Civil Service Merit Board

August 24, 2023

Date