



**CLOSED MINUTES OF THE TWO-HUNDRED-AND-NINETEENTH
MEETING OF THE UNIVERSITY CIVIL SERVICE MERIT BOARD –**

August 11, 2022

***State Universities Civil Service System (University System) Office
1717 Philo Road, Suite 24
Urbana, Illinois 61802***

***Chicago State University
Cook Administration Building
9501 South King Drive
ADM Room 202
Chicago, IL***

***Eastern Illinois University
MLK Jr. University Union,
7TH Street Underground/Rathskeller Loft
1720 7th Street
Charleston, IL***

***Governors State University
Room D2444
1 University Parkway
University Park, IL***

***Northeastern Illinois University
5500 North St. Louis Avenue
Student Union Building
Rm 103 (Golden Eagles Room)
Chicago, IL***

***Northern Illinois University
1120 East Diehl Road, Room 119
Naperville, IL***

***Southern Illinois University
Edwardsville
School of Dental Medicine
Alumni Conference Room, B273
2800 College Ave.
Alton, IL***

***&
(WebEx)***

Members present via WebEx were: Chair Julie Jones, representing Illinois State University; John R. Butler, representing Northern Illinois University; Pedro Cevallos-Candau, representing Governors State University; Joseph Dively, representing Eastern Illinois University; Sherry Eagle, representing Northeastern Illinois University; Naomi Jakobsson, representing the University of Illinois; and John Simmons, representing Southern Illinois University.

Members absent were: Kisha Lang, representing Western Illinois University; Stuart King, representing the University of Illinois; and Andrea Zopp, representing Chicago State University.

Also present were: Gail Schiesser, Executive Director, and Teresa Rademacher, Secretary for the Merit Board.

Chair Jones called the closed session to order at 2:50 pm.

Executive Director Schiesser stated that the purpose of the Executive Session was to discuss litigation matters.

The litigation matter related to UIC-21-8, University of Illinois at Chicago (UIC) vs. Kehoe. This was a discharge matter at the April 7, 2022 Merit Board meeting. The Merit Board discharged Police Officer James Kehoe. On May 11, 2022, Mr. Kehoe filed a complaint for Administrative Review in the Circuit Court of Cook County, Case No. 2022-CH04502. In that matter, the Plaintiff alleges that the Merit Board erred in its May 11 decision in part because they permitted the UIC's attorney to address the Merit Board in Public Comments. On June 15, 2022, the Office of the Attorney General filed the record in the discharge matter. On June 22, 2022, in response to a Freedom of Information Act request, our office provided an electronic copy of the May 11, 2022, meeting to the Plaintiff's attorney. On July 25, 2022, the Plaintiff filed a Motion to Supplement the Record with an electronic copy of the May 11, 2022, Merit Board meeting. The motion presents an unusual question; in an Administrative Review matter, the standard of review is whether the decision of the Merit Board is against a manifest weight of the evidence; basically, is there anything in the record that supports the decision of the Merit Board. If the court grants the motion and expands the record, then the question is, does the newly expanded record support the decision of the Merit Board. Executive Director Schiesser stated that she was not sure how the record would not support the decision of the Merit Board.

In discussions regarding the supplementation of the record with the attorney of the Assistant Attorney General and the university counsel, both are in agreement with Executive Director Schiesser that the record still supports the decision. The question to the Merit Board is do we want to instruct the Attorney General to oppose the Motion to Supplement the Record or not. I would allow the court to attend to the motion unopposed by us; however, this is a decision for the Merit Board.

Mr. Butler asked about the potential relief if the record is supplemented. Executive Director Schiesser stated that the relief would be exactly the same. One of two things could happen. The matter could be referred all the way back to the University System Office for rehearing the matter and creating a new record and then back to the Merit Board with the Hearing Officer's new Findings of Fact. Or the court could return the matter back to the Merit Board for rehearing about whether there is just cause for discharge.

Mr. Butler asked what the attorney for the employee believed happened during the public comments section of the meeting. Executive Director Schiesser stated that the attorney for the employee had seen the video recording per the FOIA request, and he objects that the attorney for UIC spoke in public comments, which is outside the record. After reviewing the closing statement for the university counsel and the record of his public comments, these are very

similar. Executive Director Schiesser does not expect the attorney for the employee’s objection to sustain.

Mr. Butler inquired if the employee’s attorney was looking to speak at public comments if the matter was referred back to the Merit Board. Executive Director Schiesser stated there are two possibilities here. (1) The court could send this back to the Merit Board without further comment, which would give him a chance to speak before the Merit Board. This was an option he previously had and did not utilize. (2) The court will instruct the Merit Board that public comments are outside its consideration in such matters, in which case the University System would take that as permanent instructions and would not permit public comments in later matters.

Executive Director Schiesser stated in her readings of the Open Meetings Act that transparency is required unless there is an actual exception, and there is no exception for this. Mr. Kehoe’s best result would be a rehearing.

Executive Director Schiesser stated that the Merit Board does not need an actual action; but that she was looking for a sense of the Merit Board’s thoughts on the instructions back to the Attorney General. Ms. Jones asked if there were questions or concerns about letting Executive Director Schiesser’s suggestion to this matter.

Mr. Simmons made a motion that the Merit Board go back into Open Session. Ms. Jakobsson seconded Mr. Simmons’ motion. In accordance with the Merit Board Bylaws, a roll call vote was taken and the motion was approved with the following vote:

Mr. Simmons	Aye
Ms. Zopp.....	Absent
Mr. Butler	Aye
Dr. Cevallos-Candau	Aye
Mr. Dively	Aye
Dr. Eagle	Aye
Ms. Jakobsson	Aye
Chair Jones	Aye
Dr. King.....	Absent
Ms. Lang	Absent

The Merit Board went into 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

November 30, 2023

Date