

ARTICLE 22. GRIEVANCE PROCEDURE

Section 1. The objective of this Article is to secure a fair and equitable resolution of grievances ~~at the lowest possible step of the grievance procedure~~. The procedures below shall be the sole method for resolving grievances.

Section 2. Definitions:

"Grievance" means an allegation that there has been a violation of a specific term of this Agreement. Grievances include the information stated in Section 6.

"Informal Resolution" means a resolution process that is conducted by the employee and labor relations team (ELR) or ELR's designee that is designed to resolve a grievance through informal processes like facilitated conversations, mediations or other informal processes that do not include a formal hearing and a written decision issued by the university. Except information that triggers a reporting obligation under UO policy or state or federal law, information shared during an informal resolution process cannot be used by the University, the Union, or the grievant during a formal hearing or at arbitration.

"Grievant" means the member of the bargaining unit who initiates a grievance or the Union when it is the party who initiates a grievance.

"Day" means a ~~business calendar~~ day.

Section 3. Process

Informal Resolution Process

a. Initiation of a Grievance

- i. Within ~~45~~ 60 days of the date the grievant knew, or reasonably should have known, of the act, omission, or condition ~~which that~~ is the basis of the grievance, ~~or within 60 days of concluding an attempt at an informal resolution of the conflict~~, the grievant shall submit a grievance, as defined in Section 6, to the ELR grievance email address, grievances@uoregon.edu. Grievances alleging discrimination, including discriminatory harassment, should be filed within 365 days of the date the grievant knew or reasonably should have known, of the act, omission, or condition ~~which that~~ is the basis of the grievances. ~~For purposes of this section only, days means calendar days.~~
- ii. In addition to the grievance requirements provided for in Section 6, the grievance should include a statement describing whether the grievant believes the informal resolution process would be effective.

b. Review

- i. Within ~~10~~ 14 days of receiving the grievance, ELR shall schedule separate mandatory meetings with: (1) the grievant and the grievant's union representative (if desired by the grievant); and (2) the grievant's supervisor and/or other parties named in the grievance who have substantial information regarding the

1 underlying facts. At these meetings, ELR and the grievant and the relevant
2 administrator will discuss whether an informal resolution would be an effective
3 way to resolve the matter and will also make it clear to all parties that retaliation
4 for participation in the informal and formal grievance is prohibited.

5 ii. If ELR and the grievant agree that the dispute may be resolved using an informal
6 resolution process, ELR shall schedule and conduct an informal resolution
7 process. This process will be complete within 35 days of the filing of the
8 grievance.

9 iii. If ELR and the grievant determine that an informal resolution will not be
10 successful or if the grievant does not agree to participate in an informal resolution
11 process, a formal hearing, as described in Section 3.c, will be scheduled. The
12 formal hearing will be held within ~~15~~ 21 days of the date that ELR sends out a
13 statement to the parties explaining that informal resolution process will not be
14 used in the matter.

15 iv. At the conclusion of an informal resolution dispute process, ELR will send a letter
16 to the grievant stating the informal resolution process has concluded.

17 v. At any point after the informal resolution dispute process has been initiated, the
18 grievant can send ELR an email at grievances@uoregon.edu stating that the
19 grievant no longer wishes to participate in the process. In response, ELR will send
20 out a letter to the parties stating the informal resolution process has concluded.
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22 **Formal Hearing**

23 c. Hearing

24 i. Grievance timeline: If the grievant is not satisfied with the outcome at the
25 conclusion of the informal resolution process, the grievant may present the
26 grievance to the Provost's Office within 14 days of receiving the letter from ELR
27 explaining that the informal resolution process has concluded.

28 ii. Hearing timeline: A formal hearing with the Provost or Provost's Office
29 Designee, will be scheduled within ~~15~~ 21 days of receipt of the grievance
30 described in section c (i).

31 iii. At or before the grievance hearing, the grievant is allowed to submit a number of
32 relevant questions to the Provost or the Provost's Office Designee. The grievant
33 will limit these questions to those that do not place an undue hardship on the
34 university to respond to, and generally should be no more than 15 questions. The
35 Provost's Office will respond to the questions within ~~15~~ 21 days. This section
36 does not limit the Union's right to make information requests under PECBA, nor
37 the confidentiality rights afforded to employees and students under UO policy and
38 state and federal law.

39 iv. The Provost's Office will send a decision in writing to the grievant within 21 days
40 of the hearing. If questions are presented at the hearing by the union, the decision-
41 deadline will be extended to 45 days from the date of the hearing. Disputes
42 against the Provost may be filed with the President in lieu of the Provost. If the
43 grievant is not represented **in the grievance** by the Union, a copy of the decision
44 will be sent to the Union forthwith.
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46 **Grievances Alleging Prohibited Discrimination**

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- 1 d. If the grievance alleges prohibited discrimination or retaliation for filing a claim of
2 prohibited discrimination, ELR will send the grievance to the Office of Investigations and
3 Civil Rights Compliance (OICRC). OICRC will send a letter acknowledging the
4 grievance (acknowledgment letter) and assigning an investigator to conduct an initial
5 assessment of the grievance, which will include a meeting with the grievant and, if the
6 grievant wants, their union representative.
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- 8 i. If OICRC decides that the grievance is within their jurisdiction and should be
9 formally investigated, the grievance will remain with OICRC and it will issue a
10 Notice of Investigation to all parties (the grievant, employee and labor relations
11 and the alleged bad actor). OICRC determines whether the grievance is in its
12 jurisdiction by assessing whether if all the facts are true, there is a violation of
13 UO's prohibited discrimination policies.
14 ii. If OICRC decides that the grievance is not within their jurisdiction or is otherwise
15 insufficient for formal investigation, the grievance as it relates to discrimination
16 will be denied and the grievance will be returned to ELR to determine whether a
17 violation of the CBA or University policies has occurred.
18 iii. The grievant and OICRC can also mutually agree that the grievance will go
19 through the informal process set forth above. If the informal process is not
20 successful, the grievance will come to OICRC for final disposition.
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- 22 e. OICRC's process must provide the union and the grievant with at least the rights they
23 would have otherwise received through the grievance process articulated in this Article,
24 which means that the grievant can ask at least 15 questions that are relevant, can meet
25 with the OICRC investigator and during the initial meeting described above, the union
26 will be allowed to participate to the extent they could participate during a grievance
27 hearing.
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- 29 f. OICRC's process shall be concluded within 60 days of the date that OICRC sends the
30 Notice of Investigation. For good cause, OICRC's investigation timeline can be extended
31 by mutual agreement of the parties.
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- 33 g. OICRC's decision may be appealed through Article 23.
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- 35 h. If the grievance alleges prohibited discrimination as one of many grievance allegations,
36 the grievance will be bifurcated and the parts alleging prohibited discrimination will
37 follow the process set forth above. The remaining grievance allegations will follow the
38 normal informal resolution/hearing process. If a remedy offered through the normal
39 grievance process would irreparably harm the grievant, the grievance process may be
40 stayed pending the OICRC investigation. The parties can also stay the grievance process
41 through mutual agreement.
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43 **Section 4.** If the Union is the grievant, the grievance can be filed no later than 45 60 days
44 following the date on which the bargaining unit faculty member whose rights under this
45 Agreement were allegedly violated knew or reasonably should have known of the act, event, or
46 condition which is the basis of the grievance.

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Section 5. General Provisions.

- a. A grievant may represent themselves ~~at any step~~ in the grievance process or may elect to be accompanied or represented by a Union representative. If the Union does not represent the grievant, the resolution of the grievance shall not be inconsistent with the terms of this Agreement.
- b. The grievant and the University may agree to modify the time limits in any step of the grievance procedure. ~~At formal steps~~ **In a formal grievance process**, agreements to modify time limits shall be in writing. Requests for extensions of time will not be unreasonably denied.
- c. The University’s failure at any step of this procedure to communicate the decision on the grievance within the time limit, including any extension thereof, shall be deemed a denial of the grievance. The grievant’s failure at any step of this procedure to appeal to the next step within the time limit, including any extension thereof, shall be considered acceptance by the grievant of the decision rendered at the previous step but will not constitute a past practice or any precedent in the disposition of other cases.
- d. A grievant may withdraw a grievance at any time.
- e. All facts relevant to a grievance shall be presented by the parties with the objective expressed in Section 1 of this Article.
- f. Grievances alleging prohibited discrimination must be filed within 180 days following the date on which the grievant knew or reasonably should have known of the act, omission, or condition which is the basis of the grievance.
- g. Grievances alleging discriminatory harassment must be filed within 365 days following the date on which the grievant knew or reasonably should have known of the act, omission, or condition which is the basis of the grievance.

Section 6. Written grievances must include at least:

- a. A statement describing the nature of the grievance, the approximate date of the events giving rise to the grievance, and the names of identifiable persons involved;
- b. The provision of this Agreement that the grievant believes to have been violated and a description of how it was violated; and
- c. The relief sought.

~~Section 7. A grievance may not be filed for an act, omission or condition which occurred prior to the effective date of this Agreement.~~

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