

1 UNITED ACADEMICS COUNTERPROPOSAL (6/13/2024)
2 UNIVERSITY OF OREGON COUNTERPROPOSAL (4/18/2024)
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8 ARTICLE 22. GRIEVANCE PROCEDURE
9

10 Section 1. The objective of this Article is to secure a fair and equitable resolution of grievances
11 at the lowest possible level ~~step~~ of the grievance procedure. The procedures below shall be the
12 sole method for resolving grievances.
13

14 Section 2. Definitions:

15
16 "Grievance" means an allegation that there has been a violation of a specific term of this
17 Agreement. Grievances include the information stated in Section 6.
18

19 "Informal Resolution" means a resolution process that is conducted by the employee and labor
20 relations team (ELR) or ELR's designee that is designed to resolve a grievance through informal
21 processes like facilitated conversations, mediations, or other informal processes that do not
22 include a formal hearing and a written decision issued by the university. Except information that
23 triggers a reporting obligation under UO policy or state or federal law, information shared during
24 an informal resolution process cannot be used by the University, the Union, or the grievant
25 during a formal hearing or at arbitration.
26

27 "Grievant" means the member of the bargaining unit who initiates a grievance or the Union when
28 it is the party who initiates a grievance.
29

30 "~~Day~~" means a business calendar day.
31

32 Section 3. Process

33 Grievance Initiation ~~Informal Resolution Process~~
34

35 a. Initiation of a Grievance

- 36
37 i. Within 60 ~~45~~ days of the date the grievant knew, or reasonably should have
38 known, of the act, omission, or condition ~~which that~~ is the basis of the grievance,
39 or within 60 days of concluding a documented effort at informal resolution of
40 such act, omission, or condition that is the basis of the grievance, ~~or within 60 a~~
41 ~~documented concluding an attempt at an informal resolution of the conflict~~, the
42 grievant shall submit a grievance, as defined in Section 6, to the ELR grievance
43 email address, grievances@uoregon.edu. Grievances alleging discrimination,
44 including discriminatory harassment, should be filed within 365 days of the date
45 the grievant knew or reasonably should have known, of the act, omission, or
46 condition ~~which that~~ is the basis of the grievances.
47

- ii. In addition to the grievance requirements provided for in Section 6, the grievance

48 should include a statement describing whether the grievant believes the informal
49 resolution process would be effective.

51 Informal Resolution Process

52 b. Review

- 53
54 i. Within ~~10~~ 14 days of receiving the grievance, ELR shall schedule separate
55 mandatory meetings with: (1) the grievant and the grievant's union representative
56 (if desired by the grievant); and (2) the grievant's supervisor and/or other parties
57 named in the grievance who have substantial information regarding the
58 underlying facts. At these meetings, ELR and the grievant and the relevant
59 administrator will discuss whether **and how** an informal resolution would be an
60 effective way to resolve the matter. ~~and~~ ELR will also make it clear to all parties
61 that retaliation for participation in the informal and formal grievance is prohibited.

62 **Following these meetings, one of the following will happen:**

63 *[List formatting inserted and rearranged for clarity.]*

64 (a) ~~ii. If~~ ELR and the grievant **may** agree that the dispute may be resolved
65 using an informal resolution process. **In this case**, ELR shall schedule and
66 conduct an informal resolution process. This process will be complete
67 within ~~60~~ 35 days of the filing of the grievance. ~~iv.~~ At the conclusion of an
68 informal resolution dispute process, ELR will send a letter to the grievant
69 stating the informal resolution process has concluded.

70 (b) ~~iii. If~~ ELR and the grievant **may** determine that an informal resolution will
71 not be successful or ~~if~~ the grievant **may does** not agree to participate in an
72 informal resolution process. **In this case**, a formal hearing, as described in
73 Section 3.c, will be scheduled. The formal hearing will be held within ~~15~~
74 **21** days of the date that ELR sends out a statement to the parties
75 explaining that **the** informal resolution process will not be used in the
76 matter.

77 (c) **ELR may determine the informal process will not be successful and will**
78 **provide an explanation of the situation to the faculty member and dismiss**
79 **the grievance, concluding the informal process. The grievant will be**
80 **informed of their right to submit the grievance for a formal hearing**
81 **(Section 3.c.), which they may do after a 14-day cooling-off period.**

- 82 ii. At any point after the informal resolution dispute process has been initiated, the
83 grievant can send ELR an email at grievances@uoregon.edu stating that the
84 grievant no longer wishes to participate in the process. In response, ELR will send
85 out a letter to the parties stating the informal resolution process has concluded.

87 Formal Resolution Process Hearing

88 c. Hearing

- 89 i. Grievance timeline: ~~If~~ **W**ithin 21 days of receiving the letter from ELR
90 **explaining that the informal resolution process has concluded, and if** the grievant
91 is not satisfied with the outcome ~~at the conclusion of the informal resolution~~
92 ~~process, or the informal process is bypassed by mutual agreement, the grievant or~~

94 the Union may present the grievance to ELR in an email at
95 grievances@uoregon.edu to be heard by the Provost's Office ~~within 21-14 days of~~
96 ~~receiving the letter from ELR explaining that the informal resolution process has~~
97 ~~concluded.~~

- 98 ii. Hearing timeline: A formal hearing with the Provost or Provost's Office
99 Designee, will be scheduled within ~~15~~ 21 days of receipt of the grievance
100 described in section c (i).
- 101 iii. At or before the grievance hearing, the grievant is allowed to submit a number of
102 relevant questions to the Provost or the Provost's Office Designee. The grievant
103 will limit these questions to those that do not place an undue hardship on the
104 university to respond to, and generally should be no more than 15 questions. The
105 Provost's Office will respond to the questions within ~~15~~ 21 days. This section
106 does not limit the Union's right to make information requests under PECBA, nor
107 the confidentiality rights afforded to employees and students under UO policy and
108 state and federal law.
- 109 iv. The Provost's Office will send a decision in writing to the grievant within ~~30~~ 21
110 days of the hearing. If questions that require subsequent information gathering are
111 presented at the hearing by the union, the decision deadline will be extended to ~~60~~
112 ~~45~~ days from the date of the hearing. ~~If a decision of the Office of the Provost to~~
113 ~~deny a grievance is based in whole or in part on a policy provision that was not~~
114 ~~cited as justification for the act or omission being grieved prior to submission of~~
115 ~~the grievance, the grievance may be resubmitted within 30 days to be heard by a~~
116 ~~different designee.~~ Disputes against the Provost may be filed with the President in
117 lieu of the Provost. If the grievant is not represented in the grievance by the
118 Union, a copy of the decision will be sent to the Union forthwith.

119 Grievances Alleging Prohibited Discrimination

- 120
- 121
- 122 d. If the grievance alleges prohibited discrimination or retaliation for filing a claim of
123 prohibited discrimination, ELR will send the grievance to the Office of Investigations and
124 Civil Rights Compliance (OICRC). OICRC will send a letter acknowledging the
125 grievance (acknowledgment letter) and assigning an investigator to conduct an initial
126 assessment of the grievance, which will include a meeting with the grievant and, if the
127 grievant wants, their union representative.
- 128
- 129 i. If OICRC decides that the grievance is within their jurisdiction and should be
130 formally investigated, the grievance will remain with OICRC and it will issue a
131 Notice of Investigation to all parties (the grievant, employee and labor relations,
132 and the ~~respondent alleged bad actor~~). OICRC determines whether the grievance
133 is in its jurisdiction by assessing whether if all the facts are true, there is a
134 violation of UO's prohibited discrimination policies.
- 135 ii. If OICRC decides that the grievance is not within their jurisdiction or is otherwise
136 insufficient for formal investigation, the grievance as it relates to discrimination
137 will be denied and the ~~remaining~~ grievance will be returned to ELR to determine
138 ~~whether a violation of the CBA or University policies has occurred and the~~
139 ~~appropriate process for the grievance.~~

140 iii. The grievant and OICRC ~~can~~ may also mutually agree that the grievance will go
141 through the informal process set forth above. If the informal process is not
142 successful, the grievance will come to OICRC for final disposition.
143

144 e. OICRC’s process must provide the union and the grievant with at least the rights they
145 would have otherwise received through the grievance process articulated in this Article,
146 which means that the grievant ~~can~~ may ask at least 15 questions that are relevant, ~~can~~ and
147 may meet with the OICRC investigator and during the initial meeting described above.;
148 ~~†~~The union will be allowed to participate to the extent they could participate during a
149 grievance hearing.
150

151 f. OICRC’s process shall be concluded within 90 ~~60~~ days of the date that OICRC sends the
152 Notice of Investigation. For good cause, OICRC’s investigation timeline can be extended
153 by mutual agreement of the parties.
154

155 g. OICRC’s decision may be appealed through Article 23.
156

157 h. If the grievance alleges prohibited discrimination as one of many grievance allegations,
158 the grievance will be bifurcated and the parts alleging prohibited discrimination will
159 follow the process set forth above. The remaining grievance allegations will follow the
160 normal informal resolution/hearing process. If a remedy offered through the normal
161 grievance process would irreparably harm the grievant, the grievance process may be
162 stayed pending the OICRC investigation. The parties can also stay the grievance process
163 through mutual agreement.
164

165 **Section 4.** If the Union is the grievant, the grievance ~~can~~ should be filed no later than 45 60
166 days following the date on which the bargaining unit faculty member whose rights under this
167 Agreement were allegedly violated knew or reasonably should have known of the act, event, or
168 condition which is the basis of the grievance.
169

170 **Section 5.** General Provisions.
171

172 a. A grievant may represent themselves ~~at any step~~ in the grievance process or may elect to
173 be accompanied or represented by a Union representative. If the Union does not represent
174 the grievant, the resolution of the grievance shall not be inconsistent with the terms of
175 this Agreement.
176

177 b. The grievant and the University may agree to modify the time limits ~~in any step~~ of the
178 grievance procedure. ~~At formal steps~~ In a formal grievance process, agreements to
179 modify time limits shall be in writing. Requests for extensions of time will not be
180 unreasonably denied.
181

182 c. The University’s failure ~~at any step of this procedure~~ to communicate the decision on the
183 grievance within the time limit, including any extension thereof, shall be deemed a denial
184 of the grievance. The grievant’s failure at any step of this procedure to appeal to the next
185 step within the time limit, including any extension thereof, shall be considered acceptance

186 by the grievant of the decision rendered at the previous step but will not constitute a past
187 practice or any precedent in the disposition of other cases.

- 188
- 189 d. A grievant may withdraw a grievance at any time.
- 190
- 191 e. All facts relevant to a grievance shall be presented by the parties with the objective
192 expressed in Section 1 of this Article.
- 193
- 194 f. Grievances alleging prohibited discrimination must be filed within ~~180~~365 days
195 following the date on which the grievant knew or reasonably should have known of the
196 act, omission, or condition which is the basis of the grievance.
- 197
- 198 g. Grievances alleging discriminatory harassment must be filed within 365 days following
199 the date on which the grievant knew or reasonably should have known of the act,
200 omission, or condition which is the basis of the grievance.
- 201

202 **Section 6.** Written grievances must include at least:

- 203
- 204 a. A statement describing the nature of the grievance, the approximate date of the events
205 giving rise to the grievance, and the names of identifiable persons involved;
- 206
- 207 b. The provision of this Agreement that the grievant believes to have been violated and a
208 description of how it was violated; and
- 209
- 210 c. The relief sought.
- 211

212 **Section 7.** A grievance may not be filed for an act, omission or condition **related to provisions**
213 **newly defined in this Agreement that ~~which~~** occurred prior to the effective date of this
214 Agreement.