

1 UNIVERSITY OF OREGON COUNTERPROPOSAL (7/2/2024)
2 UNITED ACADEMICS COUNTERPROPOSAL (6/13/2024)
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6 **Document Key**

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9 **ARTICLE 22. GRIEVANCE PROCEDURE**

10
11 **Section 1.** The objective of this Article is to secure a fair and equitable resolution of grievances
12 at the lowest possible level ~~step~~ of the grievance procedure. The procedures below shall be the
13 sole method for resolving grievances.
14

15 **Section 2.** Definitions:

16
17 "Grievance" means an allegation that there has been a violation of a specific term of this
18 Agreement. Grievances include the information stated in Section 6.
19

20 "Informal Resolution" means a resolution process that is conducted by the employee and labor
21 relations team (ELR) or ELR's designee that is designed to resolve a grievance through informal
22 processes like facilitated conversations, mediations, or other informal processes that do not
23 include a formal hearing and a written decision issued by the university. Except information that
24 triggers a reporting obligation under UO policy or state or federal law, information shared during
25 an informal resolution process cannot be used by the University, the Union, or the grievant
26 during a formal hearing or at arbitration.
27

28 "Grievant" means the member of the bargaining unit who initiates a grievance or the Union when
29 it is the party who initiates a grievance.
30

31 ~~"Day" means a business calendar day.~~
32

33 **Section 3. Process**

34 **Grievance Initiation ~~Informal Resolution Process~~**

35
36 a. Initiation of a Grievance

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

- 48 ii. In addition to the grievance requirements provided for in Section 6, the grievance
49 should include a statement describing whether the grievant believes the informal
50 resolution process would be effective.
51

52 Informal Resolution Process

53 54 b. Review

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

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

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

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

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

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

- 83 ii. At any point after the informal resolution dispute process has been initiated, the
84 grievant can send ELR an email at grievances@uoregon.edu stating that the
85 grievant no longer wishes to participate in the process. In response, ELR will send
86 out a letter to the parties stating the informal resolution process has concluded.
87

88 Formal Resolution Process Hearing

89 90 c. Hearing

- 91 i. Grievance timeline: ~~If~~ **Within 21 days of receiving the letter from ELR**
92 **explaining that the informal resolution process has concluded, and if the grievant**
93 **is not satisfied with the outcome ~~at the conclusion of the informal resolution~~**

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

- 99 ii. Hearing timeline: A formal hearing with the Provost or Provost's Office
100 Designee, will be scheduled within ~~15~~ 21 days of receipt of the grievance
101 described in section c (i).
- 102 iii. At or before the grievance hearing, the grievant is allowed to submit a number of
103 relevant questions to the Provost or the Provost's Office Designee. The grievant
104 will limit these questions to those that do not place an undue hardship on the
105 university to respond to, and generally should be no more than 15 questions. The
106 Provost's Office will respond to the questions within ~~15~~ 21 days. This section
107 does not limit the Union's right to make information requests under PECBA, nor
108 the confidentiality rights afforded to employees and students under UO policy and
109 state and federal law.
- 110 iv. The Provost's Office will send a decision in writing to the grievant within ~~30~~ 21
111 days of the hearing. If the questions under subsection iii. above are presented at
112 the hearing by the union and responding, ~~that requires subsequent information~~
113 ~~gathering are presented at the hearing by the union~~, the decision deadline will be
114 extended to ~~60~~ 45 days from the date of the hearing. ~~If a decision of the Office of~~
115 ~~the Provost to deny a grievance is based in whole or in part on a policy provision~~
116 ~~that was not cited as justification for the act or omission being grieved prior to~~
117 ~~submission of the grievance, the grievance may be resubmitted within 30 days to~~
118 ~~be heard by a different designee.~~ Disputes against the Provost may be filed with
119 the President in lieu of the Provost. If the grievant is not represented in the
120 grievance by the Union, a copy of the decision will be sent to the Union forthwith.
121

122 Grievances Alleging Prohibited Discrimination

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

140 ~~whether a violation of the CBA or University policies has occurred and the~~
141 ~~appropriate process for the grievance.~~

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

145
146 e. OICRC's process must provide the union and the grievant with at least the rights they
147 would have otherwise received through the grievance process articulated in this Article,
148 which means that the grievant ~~can~~ may ask at least 15 questions that are relevant, ~~can~~ and
149 may meet with the OICRC investigator and during the initial meeting described above.;

150 ~~†~~The union will be allowed to participate to the extent they could participate during a
151 grievance hearing.

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

156
157 g. OICRC's decision may be appealed through Article 23.

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

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

171
172 **Section 5. General Provisions.**

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

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

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

186 of the grievance. The grievant's failure at any step of this procedure to appeal to the next
187 step within the time limit, including any extension thereof, shall be considered acceptance
188 by the grievant of the decision rendered at the previous step but will not constitute a past
189 practice or any precedent in the disposition of other cases.

190
191 d. A grievant may withdraw a grievance at any time.

192
193 e. All facts relevant to a grievance shall be presented by the parties with the objective
194 expressed in Section 1 of this Article.

195
196 ~~f. Grievances alleging prohibited discrimination must be filed within 180-365 days~~
197 ~~following the date on which the grievant knew or reasonably should have known of the~~
198 ~~act, omission, or condition which is the basis of the grievance.~~

199
200 ~~g. Grievances alleging discriminatory harassment must be filed within 365 days following~~
201 ~~the date on which the grievant knew or reasonably should have known of the act,~~
202 ~~omission, or condition which is the basis of the grievance.~~

203
204 **Section 6.** Written grievances must include at least:

205
206 a. A statement describing the nature of the grievance, the approximate date of the events
207 giving rise to the grievance, and the names of identifiable persons involved;

208
209 b. The provision of this Agreement that the grievant believes to have been violated and a
210 description of how it was violated; and

211
212 c. The relief sought.

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