

1 UNIVERSITY OF OREGON COUNTERPROPOSAL (8/13/2024)
2 UNITED ACADEMICS COUNTERPROPOSAL (7/15/2024)
3 UNIVERSITY OF OREGON COUNTERPROPOSAL (7/2/2024)
4 UNITED ACADEMICS COUNTERPROPOSAL (6/13/2024)
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8 **Document Key**

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11 **ARTICLE 22. GRIEVANCE PROCEDURE**
12

13 **Section 1.** The objective of this Article is to secure a fair and equitable resolution of grievances
14 at the lowest possible ~~level step~~ of the grievance procedure. The procedures below shall be the
15 sole method for resolving grievances.
16

17 **Section 2.** Definitions:
18

19 "Grievance" means an allegation that there has been a violation of a specific term of this
20 Agreement. Grievances include the information stated in Section 6.
21

22 "Informal Resolution" means a resolution process that is conducted by the employee and labor
23 relations team (ELR) or ELR's designee that is designed to resolve a grievance through informal
24 processes like facilitated conversations, mediations, or other informal processes that do not
25 include a formal hearing and a written decision issued by the university. Except information that
26 triggers a reporting obligation under UO policy or state or federal law, information shared during
27 an informal resolution process cannot be used by the University, the Union, or the grievant
28 during a formal hearing or at arbitration.
29

30 "Grievant" means the member of the bargaining unit who initiates a grievance or the Union when
31 it is the party who initiates a grievance.
32

33 ~~"Day" means a business calendar day.~~
34

35 **Section 3. Process**

36 **~~Independent Conflict Resolution Efforts~~**
37

38 ~~A bargaining unit faculty member may elect to initiate an independent conflict resolution with
39 the department or unit head, supervisor, dean, or Office of the Provost. Such efforts must be
40 initiated within 60 days of the act, omission, or condition that is the basis of the conflict.
41 Continued, good faith independent conflict resolution efforts by a bargaining member shall
42 pause the grievance initiation deadlines set forth in subsections 3.a. and 3.b.~~
43
44

45 **Grievance Initiation ~~Informal Resolution Process~~**
46

- 47 a. Initiation of a Grievance

- 48 i. Within ~~60~~ 45 days of the date the grievant knew, or reasonably should have
49 known, of the act, omission, or condition ~~which that~~ is the basis of the grievance,
50 ~~or within 60 days of concluding a documented effort at informal resolution of~~
51 ~~such act, omission, or condition that is the basis of the grievance, or within 60 a~~
52 ~~documented concluding an attempt at an informal resolution of the conflict,~~ the
53 grievant shall submit a grievance, as defined in Section 6, to the ELR grievance
54 email address, grievances@uoregon.edu. Grievances alleging discrimination,
55 including discriminatory harassment, should be filed within 365 days of the date
56 the grievant knew or reasonably should have known, of the act, omission, or
57 condition ~~which that~~ is the basis of the grievances.
- 58 ii. In addition to the grievance requirements provided for in Section 6, the grievance
59 should include a statement describing whether the grievant believes the informal
60 resolution process would be effective.

61 62 **Informal Resolution Process**

63 64 b. Review

- 65 i. Within ~~10~~ 14 days of receiving the grievance, ELR shall schedule separate
66 mandatory meetings with: (1) the grievant and the grievant's union representative
67 (if desired by the grievant); and (2) the grievant's supervisor and/or other parties
68 named in the grievance who have substantial information regarding the
69 underlying facts. At these meetings, ELR and the grievant and the relevant
70 administrator will discuss whether ~~and how~~ an informal resolution would be an
71 effective way to resolve the matter. ~~and ELR~~ will also make it clear to all parties
72 that retaliation for participation in the informal and formal grievance is prohibited.
73 ~~Following these meetings, one of the following will happen:~~
74 *[List formatting inserted and rearranged for clarity.]*
- 75 (a) ~~ii. If~~ ELR and the grievant ~~may~~ agree that the dispute may be resolved
76 using an informal resolution process. ~~In this case,~~ ELR shall schedule and
77 conduct an informal resolution process. This process will be complete
78 within ~~60~~ 35 days of the filing of the grievance. ~~iv.~~ At the conclusion of an
79 informal resolution dispute process, ELR will send a letter to the grievant
80 stating the informal resolution process has concluded.
- 81 (b) ~~iii. If~~ ELR and the grievant ~~may~~ determine that an informal resolution will
82 not be successful or ~~if~~ the grievant ~~may does~~ not agree to participate in an
83 informal resolution process. ~~In this case,~~ a formal hearing, as described in
84 Section 3.c, will be scheduled. The formal hearing will be held within ~~15~~
85 21 days of the date that ELR sends out a statement to the parties
86 explaining that ~~the~~ informal resolution process will not be used in the
87 matter.
- 88 (c) ELR ~~may~~ determine the informal process will not be successful and will
89 provide an explanation of the situation to the faculty member and dismiss
90 the grievance, concluding the informal process. The grievant will be
91 informed of their right to submit the grievance for a formal hearing
92 (Section 3.c.), ~~which they may do after a 14-day waiting cooling-off~~
93 period.

- 94 ii. At any point after the informal resolution dispute process has been initiated, the
95 grievant can send ELR an email at grievances@uoregon.edu stating that the
96 grievant no longer wishes to participate in the process. In response, ELR will send
97 out a letter to the parties stating the informal resolution process has concluded.
98

99 **Formal Resolution Process Hearing**

100 c. Hearing

- 101 i. Grievance timeline: ~~If w~~Within 21 days of receiving the letter from ELR
102 explaining that the informal resolution process has concluded, ~~and~~ if the grievant
103 is not satisfied with the outcome ~~at the conclusion of the informal resolution~~
104 ~~process, or the informal process is bypassed by mutual agreement, the grievant or~~
105 ~~the Union~~ may present the grievance to ELR in an email at
106 grievances@uoregon.edu to be heard by the Provost's Office ~~within 21-14 days of~~
107 ~~receiving the letter from ELR explaining that the informal resolution process has~~
108 ~~concluded.~~
109
110 ii. Hearing timeline: A formal hearing with the Provost or Provost's Office
111 Designee, will be scheduled within ~~15~~ 21 days of receipt of the grievance
112 described in section c (i).
113
114 iii. At or before the grievance hearing, the grievant is allowed to submit a number of
115 relevant questions to the Provost or the Provost's Office Designee. The grievant
116 will limit these questions to those that do not place an undue hardship on the
117 university to respond to, and generally should be no more than 15 questions. The
118 Provost's Office will respond to the questions within ~~15~~ 21 days. This section
119 does not limit the Union's right to make information requests under PECBA, nor
120 the confidentiality rights afforded to employees and students under UO policy and
121 state and federal law.
122
123 iv. The Provost's Office will send a decision in writing to the grievant within 30 ~~21~~
124 days of the hearing. If ~~the~~ questions ~~under subsection iii. above~~ are presented at
125 the hearing by the union ~~and responding ,that requires subsequent information~~
126 ~~gathering are presented at the hearing by the union,~~ the decision deadline will be
127 extended to 60 ~~45~~ days from the date of the hearing. ~~If a decision of the Office of~~
128 ~~the Provost to deny a grievance is based in whole or in part on a policy provision~~
129 ~~that was not cited as justification for the act or omission being grieved prior to~~
130 ~~submission of the grievance, the grievance may be resubmitted within 30 days to~~
131 ~~be heard by a different designee.~~ Disputes against the Provost may be filed with
132 the President in lieu of the Provost. If the grievant is not represented ~~in the~~
133 ~~grievance~~ by the Union, a copy of the decision will be sent to the Union forthwith.

134 **Grievances Alleging Prohibited Discrimination**

- 135 d. If the grievance alleges prohibited discrimination or retaliation for filing a claim of
136 prohibited discrimination, ELR will send the grievance to the Office of Investigations and
137 Civil Rights Compliance (OICRC). OICRC will send a letter acknowledging the
138 grievance (acknowledgment letter) and assigning an investigator to conduct an initial
139 assessment of the grievance, which will include a meeting with the grievant and, if the

140 grievant wants, their union representative.

- 141
- 142 i. If OICRC decides that the grievance is within their jurisdiction and should be
- 143 formally investigated, the grievance will remain with OICRC and it will issue a
- 144 Notice of Investigation to all parties (the grievant, employee and labor relations,
- 145 and the ~~respondent alleged bad actor~~). OICRC determines whether the grievance
- 146 is in its jurisdiction by assessing whether if all the facts are true, there is a
- 147 violation of UO's prohibited discrimination policies.
- 148 ii. If OICRC decides that the grievance is not within their jurisdiction or is otherwise
- 149 insufficient for formal investigation, the grievance as it relates to discrimination
- 150 will be denied ~~and the remaining grievance will be returned to ELR to determine~~
- 151 ~~whether a violation of the CBA or University policies has occurred and the~~
- 152 ~~appropriate process for the grievance.~~
- 153 iii. The grievant and OICRC ~~can~~ may also mutually agree that the grievance will go
- 154 through the informal process set forth above. If the informal process is not
- 155 successful, the grievance will come to OICRC for final disposition.
- 156
- 157 e. OICRC's process must provide the union and the grievant with at least the rights they
- 158 would have otherwise received through the grievance process articulated in this Article,
- 159 which means that the grievant ~~can~~ may ask at least 15 questions that are relevant, ~~can~~ and
- 160 may meet with the OICRC investigator and during the initial meeting described above.;
- 161 ~~†~~The union will be allowed to participate to the extent they could participate during a
- 162 grievance hearing.
- 163
- 164 f. OICRC's process shall be concluded within ~~90~~ 60 days of the date that OICRC sends the
- 165 Notice of Investigation. For good cause, OICRC's investigation timeline can be extended
- 166 by mutual agreement of the parties.
- 167
- 168 g. OICRC's decision may be appealed through Article 23.
- 169
- 170 h. If the grievance alleges prohibited discrimination as one of many grievance allegations,
- 171 the grievance will be bifurcated and the parts alleging prohibited discrimination will
- 172 follow the process set forth above. The remaining grievance allegations will follow the
- 173 normal informal resolution/hearing process. If a remedy offered through the normal
- 174 grievance process would irreparably harm the grievant, the grievance process may be
- 175 stayed pending the OICRC investigation. The parties can also stay the grievance process
- 176 through mutual agreement.
- 177

178 **Section 4.** If the Union is the grievant, the grievance ~~shall can should~~ be filed no later than ~~45~~

179 ~~60~~ days following the date on which the bargaining unit faculty member whose rights under this

180 Agreement were allegedly violated knew or reasonably should have known of the act, event, or

181 condition which is the basis of the grievance.

182

183 **Section 5.** General Provisions.

184

- 185 a. A grievant may represent themselves ~~at any step~~ in the grievance process or may elect to

186 be accompanied or represented by a Union representative. If the Union does not represent
187 the grievant, the resolution of the grievance shall not be inconsistent with the terms of
188 this Agreement.

189
190 b. The grievant and the University may agree to modify the time limits ~~in any step~~ of the
191 grievance procedure. ~~At formal steps~~ In a formal grievance process, agreements to
192 modify time limits shall be in writing. Requests for extensions of time will not be
193 unreasonably denied.

194
195 c. The University's failure ~~at any step of this procedure~~ to communicate the decision on the
196 grievance within the time limit, including any extension thereof, shall be deemed a denial
197 of the grievance. The grievant's failure at any step of this procedure to appeal to the next
198 step within the time limit, including any extension thereof, shall be considered acceptance
199 by the grievant of the decision rendered at the previous step but will not constitute a past
200 practice or any precedent in the disposition of other cases.

201
202 d. A grievant may withdraw a grievance at any time.

203
204 e. All facts relevant to a grievance shall be presented by the parties with the objective
205 expressed in Section 1 of this Article.

206
207 ~~f. Grievances alleging prohibited discrimination must be filed within 180 365 days~~
208 ~~following the date on which the grievant knew or reasonably should have known of the~~
209 ~~act, omission, or condition which is the basis of the grievance.~~

210
211 ~~g. Grievances alleging discriminatory harassment must be filed within 365 days following~~
212 ~~the date on which the grievant knew or reasonably should have known of the act,~~
213 ~~omission, or condition which is the basis of the grievance.~~

214
215 **Section 6.** Written grievances must include at least:

216
217 a. A statement describing the nature of the grievance, the approximate date of the events
218 giving rise to the grievance, and the names of identifiable persons involved;

219
220 b. The provision of this Agreement that the grievant believes to have been violated and a
221 description of how it was violated; and

222
223 c. The relief sought.

224
225 **Section 7.** A grievance may not be filed for an act, omission or condition ~~related to provisions~~
226 ~~newly defined in this Agreement that which~~ occurred prior to the effective date of this
227 Agreement.