

1 UNITED ACADEMICS COUNTERPROPOSAL (10/31/2024)  
2 UNIVERSITY OF OREGON COUNTERPROPOSAL (10/17/2024)  
3 UNITED ACADEMICS COUNTERPROPOSAL (8/26/2024)  
4 UNIVERSITY OF OREGON COUNTERPROPOSAL (8/13/2024)  
5 UNITED ACADEMICS COUNTERPROPOSAL (7/15/2024)  
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8 **Document Key**

9 UA new | ~~UA-deletion~~ | UO new | ~~UO-deletion~~ | Accepted | ~~Deleted~~ | Status Quo | Restored  
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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.  
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17 **Section 2.** Definitions:

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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.~~  
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35 **Section 3. Process**

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

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

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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 period cooling~~

off.

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

### Formal Resolution Process Hearing

#### c. Hearing

- i. Grievance timeline: ~~If~~ Within 21 days of receiving the letter from ELR explaining that the informal resolution process has concluded, and if the grievant is not satisfied with the outcome ~~at the conclusion of the informal resolution process, or the informal process is bypassed by mutual agreement, the grievant or the Union acting on behalf of the grievant~~ may present the grievance to ELR in an email at [grievances@uoregon.edu](mailto:grievances@uoregon.edu) to be heard by the Provost's Office ~~within 21~~ 14 days of receiving the letter from ELR explaining that the informal resolution process has concluded.
- ii. Hearing timeline: A formal hearing with the Provost or Provost's Office Designee, will be scheduled within ~~15~~ 21 days of receipt of the grievance described in section c (i).
- iii. At or before the grievance hearing, the grievant is allowed to submit a number of relevant questions to the Provost or the Provost's Office Designee. The grievant will limit these questions to those that do not place an undue hardship on the university to respond to, and generally should be no more than 15 questions. The Provost's Office will respond to the questions within ~~15~~ 21 days. This section does not limit the Union's right to make information requests under PECBA, nor the confidentiality rights afforded to employees and students under UO policy and state and federal law.
- iv. The Provost's Office will send a decision in writing to the grievant within ~~30~~ 21 days of the hearing. If the questions under subsection iii. above are presented at the hearing by the union and responding ~~, that requires subsequent information gathering are presented at the hearing by the union,~~ the decision deadline will be extended to ~~60~~ 45 days from the date of the hearing. ~~If a decision of the Office of the Provost to deny a grievance is based in whole or in part on a policy provision that was not cited as justification for the act or omission being grieved prior to submission of the grievance, the grievance may be resubmitted within 30 days to be heard by a different designee.~~ When a denial from the Office of the Provost is premised on grounds that the grievant lacked the opportunity to address during the hearing process, the grievant may request reconsideration of the denial within 30 days. The reconsideration request shall address the grounds that grievant believes grievant lacked the opportunity to address during the hearing process. The Office of the Provost shall decide grievant's reconsideration request within 30 days of receiving it. Disputes against the Provost may be filed with the President in lieu of the Provost. If the grievant is not represented in the grievance by the Union, a copy of the decision will be sent to the Union forthwith.

### Grievances Alleging Prohibited Discrimination

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- d. If the grievance alleges prohibited discrimination or retaliation for filing a claim of prohibited discrimination, ELR will send the grievance to the Office of Investigations and Civil Rights Compliance (OICRC). OICRC will send a letter acknowledging the grievance (acknowledgment letter) and assigning an investigator to conduct an initial assessment of the grievance, which will include a meeting with the grievant and, if the grievant wants, their union representative.
    - i. If OICRC decides that the grievance is within their jurisdiction and should be formally investigated, the grievance will remain with OICRC and it will issue a Notice of Investigation to all parties (the grievant, employee and labor relations, and the ~~respondent alleged bad actor~~). OICRC determines whether the grievance is in its jurisdiction by assessing whether if all the facts are true, there is a violation of UO's prohibited discrimination policies.
    - ii. If OICRC decides that the grievance is not within their jurisdiction or is otherwise insufficient for formal investigation, the grievance as it relates to discrimination will be denied ~~and the remaining grievance will be returned to ELR to determine whether a violation of the CBA or University policies has occurred and the appropriate process for the grievance.~~
    - iii. The grievant and OICRC ~~can~~ may also mutually agree that the grievance will go through the informal process set forth above. If the informal process is not successful, the grievance will come to OICRC for final disposition.
  - e. OICRC's process must provide the union and the grievant with at least the rights they would have otherwise received through the grievance process articulated in this Article, which means that the grievant ~~can~~ may ask at least 15 questions that are relevant, ~~can~~ and may meet with the OICRC investigator and during the initial meeting described above.; ~~†~~The union will be allowed to participate to the extent they could participate during a grievance hearing.
  - f. OICRC's process shall be concluded within ~~90~~ 60 days of the date that OICRC sends the Notice of Investigation. For good cause, OICRC's investigation timeline can be extended by mutual agreement of the parties.
  - g. OICRC's decision may be appealed through Article 23.
  - h. If the grievance alleges prohibited discrimination as one of many grievance allegations, the grievance will be bifurcated and the parts alleging prohibited discrimination will follow the process set forth above. The remaining grievance allegations will follow the normal informal resolution/hearing process. If a remedy offered through the normal grievance process would irreparably harm the grievant, the grievance process may be stayed pending the OICRC investigation. The parties can also stay the grievance process through mutual agreement.

184 **Section 4.** If the Union is the grievant, the grievance ~~shall can should~~ be filed no later than 45  
185 60 days following the date on which the bargaining unit faculty member whose rights under this

186 Agreement were allegedly violated knew or reasonably should have known of the act, event, or  
187 condition which is the basis of the grievance.

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189 **Section 5. General Provisions.**

- 190  
191 a. A grievant may represent themselves ~~at any step~~ in the grievance process or may elect to  
192 be accompanied or represented by a Union representative. If the Union does not represent  
193 the grievant, the resolution of the grievance shall not be inconsistent with the terms of  
194 this Agreement.
- 195  
196 b. The grievant and the University may agree to modify the time limits ~~in any step~~ of the  
197 grievance procedure. ~~At formal steps In a formal grievance process~~, agreements to  
198 modify time limits shall be in writing. Requests for extensions of time will not be  
199 unreasonably denied.
- 200  
201 c. The University's failure ~~at any step of this procedure~~ to communicate the decision on the  
202 grievance within the time limit, including any extension thereof, shall be deemed a denial  
203 of the grievance. The grievant's failure at any step of this procedure to appeal to the next  
204 step within the time limit, including any extension thereof, shall be considered acceptance  
205 by the grievant of the decision rendered at the previous step but will not constitute a past  
206 practice or any precedent in the disposition of other cases.
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208 d. A grievant may withdraw a grievance at any time.
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210 e. All facts relevant to a grievance shall be presented by the parties with the objective  
211 expressed in Section 1 of this Article.
- 212  
213 ~~f. Grievances alleging prohibited discrimination must be filed within 180-365 days~~  
214 ~~following the date on which the grievant knew or reasonably should have known of the~~  
215 ~~act, omission, or condition which is the basis of the grievance.~~
- 216  
217 ~~g. Grievances alleging discriminatory harassment must be filed within 365 days following~~  
218 ~~the date on which the grievant knew or reasonably should have known of the act,~~  
219 ~~omission, or condition which is the basis of the grievance.~~

220  
221 **Section 6. Written grievances must include at least:**

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223 a. A statement describing the nature of the grievance, the approximate date of the events  
224 giving rise to the grievance, and the names of identifiable persons involved;
- 225  
226 b. The provision of this Agreement that the grievant believes to have been violated and a  
227 description of how it was violated; and
- 228  
229 c. The relief sought.

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231 **Section 7. A grievance may not be filed for an act, omission or condition related to provisions**

232 newly defined in this Agreement that ~~which~~ occurred prior to the effective date of this  
233 Agreement.