

1 UNIVERSITY OF OREGON COUNTERPROPOSAL (10/17/2024)  
2 UNITED ACADEMICS COUNTERPROPOSAL (8/26/2024)  
3 UNIVERSITY OF OREGON COUNTERPROPOSAL (8/13/2024)  
4 UNITED ACADEMICS COUNTERPROPOSAL (7/15/2024)  
5 UNIVERSITY OF OREGON COUNTERPROPOSAL (7/2/2024)  
6 UNITED ACADEMICS COUNTERPROPOSAL (6/13/2024)  
7 UNIVERSITY OF OREGON COUNTERPROPOSAL (4/18/2024)  
8 UNITED ACADEMICS PROPOSAL (2/1/2024)  
9

10 **Document Key**

11 UA new | ~~UA deletion~~ | UO new | ~~UO deletion~~ | Accepted | Deleted | Status Quo | Restored  
12

13 **ARTICLE 22. GRIEVANCE PROCEDURE**  
14

15 **Section 1.** The objective of this Article is to secure a fair and equitable resolution of grievances  
16 at the lowest possible ~~level step~~ of the grievance procedure. The procedures below shall be the  
17 sole method for resolving grievances.  
18

19 **Section 2.** Definitions:  
20

21 "Grievance" means an allegation that there has been a violation of a specific term of this  
22 Agreement. Grievances include the information stated in Section 6.  
23

24 "Informal Resolution" means a resolution process that is conducted by the employee and labor  
25 relations team (ELR) or ELR's designee that is designed to resolve a grievance through informal  
26 processes like facilitated conversations, mediations, or other informal processes that do not  
27 include a formal hearing and a written decision issued by the university. Except information that  
28 triggers a reporting obligation under UO policy or state or federal law, information shared during  
29 an informal resolution process cannot be used by the University, the Union, or the grievant  
30 during a formal hearing or at arbitration.  
31

32 "Grievant" means the member of the bargaining unit who initiates a grievance or the Union when  
33 it is the party who initiates a grievance.  
34

35 ~~"Day" means a business calendar day.~~  
36

37 **Section 3. Process**  
38

39 **~~Independent Conflict Resolution Efforts~~**  
40

41 ~~A bargaining unit faculty member may elect to initiate an independent conflict resolution with~~  
42 ~~the department or unit head, supervisor, dean, or Office of the Provost. Such efforts must be~~  
43 ~~initiated within 60 days of the act, omission, or condition that is the basis of the conflict.~~  
44 ~~Continued, good faith independent conflict resolution efforts by a bargaining member shall~~  
45 ~~pause the grievance initiation deadlines set forth in subsections 3.a. and 3.b.~~  
46

47 **Grievance Initiation ~~Informal Resolution Process~~**

48  
49 a. Initiation of a Grievance

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

63  
64 **Informal Resolution Process**

65  
66 b. Review

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

93 informed of their right to submit the grievance for a formal hearing  
94 (Section 3.c.), which they may do after a 14-day waiting period ~~cooling~~  
95 ~~off~~.

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

## 100 **Formal Resolution Process Hearing**

### 101 c. Hearing

- 102  
103  
104 i. Grievance timeline: ~~If~~ ~~w~~ Within 21 days of receiving the letter from ELR  
105 explaining that the informal resolution process has concluded, ~~and~~ if the grievant  
106 is not satisfied with the outcome ~~at the conclusion of the informal resolution~~  
107 ~~process, or the informal process is bypassed by mutual agreement, the grievant or~~  
108 ~~the Union acting on behalf of the grievant~~ may present the grievance to ELR in an  
109 email at grievances@uoregon.edu to be heard by the Provost's Office ~~within 21~~  
110 ~~14 days of receiving the letter from ELR explaining that the informal resolution~~  
111 ~~process has concluded.~~
- 112 ii. Hearing timeline: A formal hearing with the Provost or Provost's Office  
113 Designee, will be scheduled within ~~15~~ 21 days of receipt of the grievance  
114 described in section c (i).
- 115 iii. At or before the grievance hearing, the grievant is allowed to submit a number of  
116 relevant questions to the Provost or the Provost's Office Designee. The grievant  
117 will limit these questions to those that do not place an undue hardship on the  
118 university to respond to, and generally should be no more than 15 questions. The  
119 Provost's Office will respond to the questions within ~~15~~ 21 days. This section  
120 does not limit the Union's right to make information requests under PECBA, nor  
121 the confidentiality rights afforded to employees and students under UO policy and  
122 state and federal law.
- 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  
136  
137 d. If the grievance alleges prohibited discrimination or retaliation for filing a claim of  
138 prohibited discrimination, ELR will send the grievance to the Office of Investigations and

139 Civil Rights Compliance (OICRC). OICRC will send a letter acknowledging the  
140 grievance (acknowledgment letter) and assigning an investigator to conduct an initial  
141 assessment of the grievance, which will include a meeting with the grievant and, if the  
142 grievant wants, their union representative.

- 143
- 144 i. If OICRC decides that the grievance is within their jurisdiction and should be  
145 formally investigated, the grievance will remain with OICRC and it will issue a  
146 Notice of Investigation to all parties (the grievant, employee and labor relations,  
147 and the ~~respondent alleged bad actor~~). OICRC determines whether the grievance  
148 is in its jurisdiction by assessing whether if all the facts are true, there is a  
149 violation of UO's prohibited discrimination policies.
- 150 ii. If OICRC decides that the grievance is not within their jurisdiction or is otherwise  
151 insufficient for formal investigation, the grievance as it relates to discrimination  
152 will be denied ~~and the remaining grievance will be returned to ELR to determine~~  
153 ~~whether a violation of the CBA or University policies has occurred and the~~  
154 ~~appropriate process for the grievance.~~
- 155 iii. The grievant and OICRC ~~can~~ ~~may~~ also mutually agree that the grievance will go  
156 through the informal process set forth above. If the informal process is not  
157 successful, the grievance will come to OICRC for final disposition.
- 158
- 159 e. OICRC's process must provide the union and the grievant with at least the rights they  
160 would have otherwise received through the grievance process articulated in this Article,  
161 which means that the grievant ~~can~~ ~~may~~ ask at least 15 questions that are relevant, ~~can~~ ~~and~~  
162 ~~may~~ meet with the OICRC investigator and during the initial meeting described above.;  
163 ~~†~~The union will be allowed to participate to the extent they could participate during a  
164 grievance hearing.
- 165
- 166 f. OICRC's process shall be concluded within ~~90~~ ~~60~~ days of the date that OICRC sends the  
167 Notice of Investigation. For good cause, OICRC's investigation timeline can be extended  
168 by mutual agreement of the parties.
- 169
- 170 g. OICRC's decision may be appealed through Article 23.
- 171
- 172 h. If the grievance alleges prohibited discrimination as one of many grievance allegations,  
173 the grievance will be bifurcated and the parts alleging prohibited discrimination will  
174 follow the process set forth above. The remaining grievance allegations will follow the  
175 normal informal resolution/hearing process. If a remedy offered through the normal  
176 grievance process would irreparably harm the grievant, the grievance process may be  
177 stayed pending the OICRC investigation. The parties can also stay the grievance process  
178 through mutual agreement.
- 179

180 **Section 4.** If the Union is the grievant, the grievance ~~shall~~ ~~can~~ ~~should~~ be filed no later than ~~45~~  
181 ~~60~~ days following the date on which the bargaining unit faculty member whose rights under this  
182 Agreement were allegedly violated knew or reasonably should have known of the act, event, or  
183 condition which is the basis of the grievance.

185 **Section 5.** General Provisions.  
186

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

217 **Section 6.** Written grievances must include at least:  
218

- 219 a. A statement describing the nature of the grievance, the approximate date of the events  
220 giving rise to the grievance, and the names of identifiable persons involved;  
221
- 222 b. The provision of this Agreement that the grievant believes to have been violated and a  
223 description of how it was violated; and  
224
- 225 c. The relief sought.  
226

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