

1 UNITED ACADEMICS COUNTERPROPOSAL (11/21/2024)
2 UNIVERSITY OF OREGON COUNTERPROPOSAL (11/13/2024)
3 UNITED ACADEMICS COUNTERPROPOSAL (10/31/2024)
4 UNIVERSITY OF OREGON COUNTERPROPOSAL (10/17/2024)
5 UNITED ACADEMICS COUNTERPROPOSAL (8/26/2024)
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9 UNITED ACADEMICS COUNTERPROPOSAL (6/13/2024)
10 UNIVERSITY OF OREGON COUNTERPROPOSAL (4/18/2024)
11 UNITED ACADEMICS PROPOSAL (2/1/2024)
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Document Key

14 UA new | ~~UA deletion~~ | UO new | ~~UO deletion~~ | Accepted | Deleted | Status Quo | Restored
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ARTICLE 22. GRIEVANCE PROCEDURE

17 **Section 1.** The objective of this Article is to secure a fair and equitable resolution of grievances
18 at the lowest possible ~~level step~~ of the grievance procedure. The procedures below shall be the
19 sole method for resolving grievances.
20

Section 2. Definitions:

21
22 "Grievance" means an allegation that there has been a violation of a specific term of this
23 Agreement. Grievances include the information stated in Section 6.
24

25
26 "Informal Resolution" means a resolution process that is conducted by the employee and labor
27 relations team (ELR) or ELR's designee that is designed to resolve a grievance through informal
28 processes like facilitated conversations, mediations, or other informal processes that do not
29 include a formal hearing and a written decision issued by the university. Except information that
30 triggers a reporting obligation under UO policy or state or federal law, information shared during
31 an informal resolution process cannot be used by the University, the Union, or the grievant
32 during a formal hearing or at arbitration.
33

34
35 "Grievant" means the member of the bargaining unit who initiates a grievance or the Union when
36 it is the party who initiates a grievance.
37

38 ~~"Day" means a business calendar day.~~
39

Section 3. Process

~~Independent Conflict Resolution Efforts~~

40
41
42 ~~A bargaining unit faculty member may elect to initiate an independent conflict resolution with~~
43 ~~the department or unit head, supervisor, dean, or Office of the Provost. Such efforts must be~~
44 ~~initiated within 60 days of the act, omission, or condition that is the basis of the conflict.~~
45
46

47 ~~Continued, good-faith independent conflict resolution efforts by a bargaining member shall~~
48 ~~pause the grievance initiation deadlines set forth in subsections 3.a. and 3.b.~~

49 **Grievance Initiation ~~Informal Resolution Process~~**

51
52 a. Initiation of a Grievance

- 53 i. Within ~~60 45~~ days of the date the grievant knew, or reasonably should have
54 known, of the act, omission, or condition ~~which that~~ is the basis of the grievance,
55 ~~or within 60 days of concluding a documented effort at informal resolution of~~
56 ~~such act, omission, or condition that is the basis of the grievance, or within 60 a~~
57 ~~documented concluding an attempt at an informal resolution of the conflict,~~ the
58 grievant shall submit a grievance, as defined in Section 6, to the ELR grievance
59 email address, grievances@uoregon.edu. Grievances alleging discrimination,
60 including discriminatory harassment, should be filed within 365 days of the date
61 the grievant knew or reasonably should have known, of the act, omission, or
62 condition ~~which that~~ is the basis of the grievances.
- 63 ii. In addition to the grievance requirements provided for in Section 6, the grievance
64 should include a statement describing whether the grievant believes the informal
65 resolution process would be effective.
66

67 **Informal Resolution Process**

68
69 b. Review

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

93 (c) ELR may determine the informal process will not be successful and will
94 provide an explanation of the situation to the faculty member and dismiss
95 the grievance, concluding the informal process. The grievant will be
96 informed of their right to submit the grievance for a formal hearing
97 (Section 3.c.), ~~which they may do after a 14-day waiting period cooling~~
98 ~~off.~~

- 99 ii. At any point after the informal resolution dispute process has been initiated, the
100 grievant can send ELR an email at grievances@uoregon.edu stating that the
101 grievant no longer wishes to participate in the process. In response, ELR will send
102 out a letter to the parties stating the informal resolution process has concluded.
103

104 **Formal Resolution Process Hearing**

105 c. Hearing

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

140 against the Provost may be filed with the President in lieu of the Provost. If the
141 grievant is not represented **in the grievance** by the Union, a copy of the decision
142 will be sent to the Union forthwith.

143 **Grievances Alleging Prohibited Discrimination**

- 145
- 146 d. If the grievance alleges prohibited discrimination or retaliation for filing a claim of
147 prohibited discrimination, ELR will send the grievance to the Office of Investigations and
148 Civil Rights Compliance (OICRC). OICRC will send a letter acknowledging the
149 grievance (acknowledgment letter) and assigning an investigator to conduct an initial
150 assessment of the grievance, which will include a meeting with the grievant and, if the
151 grievant wants, their union representative.
- 152
- 153 i. If OICRC decides that the grievance is within their jurisdiction and should be
154 formally investigated, the grievance will remain with OICRC and it will issue a
155 Notice of Investigation to all parties (the grievant, employee and labor relations,
156 and the **respondent alleged bad actor**). OICRC determines whether the grievance
157 is in its jurisdiction by assessing whether if all the facts are true, there is a
158 violation of UO's prohibited discrimination policies.
- 159 ii. If OICRC decides that the grievance is not within their jurisdiction or is otherwise
160 insufficient for formal investigation, the grievance as it relates to discrimination
161 will be denied **and the remaining grievance will be returned to ELR to determine
162 whether a violation of the CBA or University policies has occurred and the
163 appropriate process for the grievance.**
- 164 iii. The grievant and OICRC ~~can~~ **may** also mutually agree that the grievance will go
165 through the informal process set forth above. If the informal process is not
166 successful, the grievance will come to OICRC for final disposition.
- 167
- 168 e. OICRC's process must provide the union and the grievant with at least the rights they
169 would have otherwise received through the grievance process articulated in this Article,
170 which means that the grievant ~~can~~ **may** ask at least 15 questions that are relevant, ~~can~~ **and**
171 **may** meet with the OICRC investigator and during the initial meeting described above.
172 ~~†~~**The union will be allowed to participate to the extent they could participate during a**
173 **grievance hearing.**
- 174
- 175 f. OICRC's process shall be concluded within **90** ~~60~~ days of the date that OICRC sends the
176 Notice of Investigation. For good cause, OICRC's investigation timeline can be extended
177 by mutual agreement of the parties.
- 178
- 179 g. OICRC's decision may be appealed through Article 23.
- 180
- 181 h. If the grievance alleges prohibited discrimination as one of many grievance allegations,
182 the grievance will be bifurcated and the parts alleging prohibited discrimination will
183 follow the process set forth above. The remaining grievance allegations will follow the
184 normal informal resolution/hearing process. If a remedy offered through the normal
185 grievance process would irreparably harm the grievant, the grievance process may be

186 stayed pending the OICRC investigation. The parties can also stay the grievance process
187 through mutual agreement.

188
189 **Section 4.** If the Union is the grievant, the grievance ~~shall *can should*~~ be filed no later than ~~45~~
190 ~~60~~ days following the date on which the bargaining unit faculty member whose rights under this
191 Agreement were allegedly violated knew or reasonably should have known of the act, event, or
192 condition which is the basis of the grievance.

193
194 **Section 5.** General Provisions.

- 195
196 a. A grievant may represent themselves ~~at any step~~ in the grievance process or may elect to
197 be accompanied or represented by a Union representative. If the Union does not represent
198 the grievant, the resolution of the grievance shall not be inconsistent with the terms of
199 this Agreement.
200
201 b. The grievant and the University may agree to modify the time limits ~~in any step~~ of the
202 grievance procedure. ~~At formal steps~~ In a formal grievance process, agreements to
203 modify time limits shall be in writing. Requests for extensions of time will not be
204 unreasonably denied.
205
206 c. The University's failure ~~at any step of this procedure~~ to communicate the decision on the
207 grievance within the time limit, including any extension thereof, shall be deemed a denial
208 of the grievance. The grievant's failure at any step of this procedure to appeal to the next
209 step within the time limit, including any extension thereof, shall be considered acceptance
210 by the grievant of the decision rendered at the previous step but will not constitute a past
211 practice or any precedent in the disposition of other cases.
212
213 d. A grievant may withdraw a grievance at any time.
214
215 e. All facts relevant to a grievance shall be presented by the parties with the objective
216 expressed in Section 1 of this Article.
217
218 ~~f. Grievances alleging prohibited discrimination must be filed within 180-365 days~~
219 ~~following the date on which the grievant knew or reasonably should have known of the~~
220 ~~act, omission, or condition which is the basis of the grievance.~~
221
222 ~~g. Grievances alleging discriminatory harassment must be filed within 365 days following~~
223 ~~the date on which the grievant knew or reasonably should have known of the act,~~
224 ~~omission, or condition which is the basis of the grievance.~~
225

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

- 227
228 a. A statement describing the nature of the grievance, the approximate date of the events
229 giving rise to the grievance, and the names of identifiable persons involved;
230
231 b. The provision of this Agreement that the grievant believes to have been violated and a

232 description of how it was violated; and

233

234 c. The relief sought.

235

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

237 newly defined in this Agreement that ~~which~~ occurred prior to the effective date of this

238 Agreement.