

1 UNIVERSITY OF OREGON COUNTERPROPOSAL (4/18/2024)  
2 UNITED ACADEMICS PROPOSAL (2/1/2024)

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4 Document Key

5 UA new | ~~UA deletion~~ | UO new | ~~UO deletion~~ | Accepted | Deleted | Status Quo | Restored

6  
7 ARTICLE 22. GRIEVANCE PROCEDURE

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

12  
13 Section 2. Definitions:

14  
15 "Grievance" means an allegation that there has been a violation of a specific term of this  
16 Agreement. Grievances include the information stated in Section 6.

17  
18 "Informal Resolution" means a resolution process that is conducted by the employee and labor  
19 relations team (ELR) or ELR's designee that is designed to resolve a grievance through informal  
20 processes like facilitated conversations, mediations, or other informal processes that do not  
21 include a formal hearing and a written decision issued by the university. Except information that  
22 triggers a reporting obligation under UO policy or state or federal law, information shared during  
23 an informal resolution process cannot be used by the University, the Union, or the grievant  
24 during a formal hearing or at arbitration.

25  
26 "Grievant" means the member of the bargaining unit who initiates a grievance or the Union when  
27 it is the party who initiates a grievance.

28  
29 "~~Day~~" means a ~~business calendar day~~.

30  
31 Section 3. Process

32  
33 Grievance Initiation ~~Informal Resolution Process~~

34  
35 a. Initiation of a Grievance

- 36 i. Within ~~60~~ 45 days of the date the grievant knew, or reasonably should have  
37 known, of the act, omission, or condition ~~which that~~ is the basis of the grievance,  
38 ~~or within 60 a documented concluding an attempt at an informal resolution of the~~  
39 ~~conflict~~, the grievant shall submit a grievance, as defined in Section 6, to the ELR  
40 grievance email address, grievances@uoregon.edu. Grievances alleging  
41 discrimination, including discriminatory harassment, should be filed within 365  
42 days of the date the grievant knew or reasonably should have known, of the act,  
43 omission, or condition ~~which that~~ is the basis of the grievances.
- 44 ii. In addition to the grievance requirements provided for in Section 6, the grievance  
45 should include a statement describing whether the grievant believes the informal  
46 resolution process would be effective.

48 **Informal Resolution Process**

49  
50 b. Review

- 51 i. Within ~~10~~ 14 days of receiving the grievance, ELR shall schedule separate  
52 mandatory meetings with: (1) the grievant and the grievant’s union representative  
53 (if desired by the grievant); and (2) the grievant’s supervisor and/or other parties  
54 named in the grievance who have substantial information regarding the  
55 underlying facts. At these meetings, ELR and the grievant and the relevant  
56 administrator will discuss whether **and how** an informal resolution would be an  
57 effective way to resolve the matter. ~~and~~ ELR will also make it clear to all parties  
58 that retaliation for participation in the informal and formal grievance is prohibited.  
59 **Following these meetings, one of the following will happen:**  
60 *[List formatting inserted and rearranged for clarity.]*
- 61 (a) ~~ii. If~~ ELR and the grievant **may** agree that the dispute may be resolved  
62 using an informal resolution process. **In this case**, ELR shall schedule and  
63 conduct an informal resolution process. This process will be complete  
64 within ~~60~~ 35-days of the filing of the grievance. ~~iv.~~ At the conclusion of an  
65 informal resolution dispute process, ELR will send a letter to the grievant  
66 stating the informal resolution process has concluded.
- 67 (b) ~~iii. If~~ ELR and the grievant **may** determine that an informal resolution will  
68 not be successful or ~~if~~ the grievant **may does** not agree to participate in an  
69 informal resolution process. **In this case**, a formal hearing, as described in  
70 Section 3.c, will be scheduled. The formal hearing will be held within ~~15~~  
71 21 days of the date that ELR sends out a statement to the parties  
72 explaining that informal resolution process will not be used in the matter.
- 73 (c) ELR **may determine the informal process will not be successful and will**  
74 **provide an explanation of the situation to the faculty member and dismiss**  
75 **the grievance, concluding the informal process. The grievant will be**  
76 **informed of their right to submit the grievance for a formal hearing**  
77 **(Section 3.c.), which they may do after a 14-day cooling off period.**
- 78 ii. At any point after the informal resolution dispute process has been initiated, the  
79 grievant can send ELR an email at grievances@uoregon.edu stating that the  
80 grievant no longer wishes to participate in the process. In response, ELR will send  
81 out a letter to the parties stating the informal resolution process has concluded.  
82

83 **Formal Resolution Process Hearing**

84  
85 c. Hearing

- 86 i. Grievance timeline: If **within 21 days of receiving the letter from ELR explaining**  
87 **that the informal resolution process has concluded and the grievant is not satisfied**  
88 **with the outcome ~~at the conclusion of the informal resolution process, or the~~**  
89 **informal process is bypassed by mutual agreement**, the grievant may present the  
90 grievance to ELR in an email at grievances@uoregon.edu to be heard by the  
91 Provost’s Office ~~within 21~~ 14 days of receiving the letter from ELR explaining  
92 ~~that the informal resolution process has concluded.~~
- 93 ii. Hearing timeline: A formal hearing with the Provost or Provost’s Office

94 Designee, will be scheduled within ~~15~~ 21 days of receipt of the grievance  
95 described in section c (i).

- 96 iii. At or before the grievance hearing, the grievant is allowed to submit a number of  
97 relevant questions to the Provost or the Provost's Office Designee. The grievant  
98 will limit these questions to those that do not place an undue hardship on the  
99 university to respond to, and generally should be no more than 15 questions. The  
100 Provost's Office will respond to the questions within ~~15~~ 21 days. This section  
101 does not limit the Union's right to make information requests under PECBA, nor  
102 the confidentiality rights afforded to employees and students under UO policy and  
103 state and federal law.
- 104 iv. The Provost's Office will send a decision in writing to the grievant within ~~30~~ 21  
105 days of the hearing. If questions are presented at the hearing by the union, the  
106 decision deadline will be extended to ~~60~~ 45 days from the date of the hearing.  
107 Disputes against the Provost may be filed with the President in lieu of the Provost.  
108 If the grievant is not represented **in the grievance** by the Union, a copy of the  
109 decision will be sent to the Union forthwith.

### 110 **Grievances Alleging Prohibited Discrimination**

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- 112
- 113 d. If the grievance alleges prohibited discrimination or retaliation for filing a claim of  
114 prohibited discrimination, ELR will send the grievance to the Office of Investigations and  
115 Civil Rights Compliance (OICRC). OICRC will send a letter acknowledging the  
116 grievance (acknowledgment letter) and assigning an investigator to conduct an initial  
117 assessment of the grievance, which will include a meeting with the grievant and, if the  
118 grievant wants, their union representative.
- 119
- 120 i. If OICRC decides that the grievance is within their jurisdiction and should be  
121 formally investigated, the grievance will remain with OICRC and it will issue a  
122 Notice of Investigation to all parties (the grievant, employee and labor relations,  
123 and the **respondent alleged bad actor**). OICRC determines whether the grievance  
124 is in its jurisdiction by assessing whether if all the facts are true, there is a  
125 violation of UO's prohibited discrimination policies.
- 126 ii. If OICRC decides that the grievance is not within their jurisdiction or is otherwise  
127 insufficient for formal investigation, the grievance as it relates to discrimination  
128 will be denied **and the remaining grievance will be returned to ELR to determine**  
129 **~~whether a violation of the CBA or University policies has occurred and the~~**  
130 **~~appropriate process for the grievance.~~**
- 131 iii. The grievant and OICRC can also mutually agree that the grievance will go  
132 through the informal process set forth above. If the informal process is not  
133 successful, the grievance will come to OICRC for final disposition.
- 134
- 135 e. OICRC's process must provide the union and the grievant with at least the rights they  
136 would have otherwise received through the grievance process articulated in this Article,  
137 which means that the grievant can ask at least 15 questions that are relevant, can meet  
138 with the OICRC investigator and during the initial meeting described above, the union  
139 will be allowed to participate to the extent they could participate during a grievance

- 140 hearing.
- 141
- 142 f. OICRC's process shall be concluded within ~~90~~ 60 days of the date that OICRC sends the
- 143 Notice of Investigation. For good cause, OICRC's investigation timeline can be extended
- 144 by mutual agreement of the parties.
- 145
- 146 g. OICRC's decision may be appealed through Article 23.
- 147
- 148 h. If the grievance alleges prohibited discrimination as one of many grievance allegations,
- 149 the grievance will be bifurcated and the parts alleging prohibited discrimination will
- 150 follow the process set forth above. The remaining grievance allegations will follow the
- 151 normal informal resolution/hearing process. If a remedy offered through the normal
- 152 grievance process would irreparably harm the grievant, the grievance process may be
- 153 stayed pending the OICRC investigation. The parties can also stay the grievance process
- 154 through mutual agreement.
- 155

156 **Section 4.** If the Union is the grievant, the grievance can be filed no later than ~~45~~ 60 days

157 following the date on which the bargaining unit faculty member whose rights under this

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

159 condition which is the basis of the grievance.

160

161 **Section 5. General Provisions.**

162

- 163 a. A grievant may represent themselves ~~at any step~~ in the grievance process or may elect to
- 164 be accompanied or represented by a Union representative. If the Union does not represent
- 165 the grievant, the resolution of the grievance shall not be inconsistent with the terms of
- 166 this Agreement.
- 167
- 168 b. The grievant and the University may agree to modify the time limits ~~in any step~~ of the
- 169 grievance procedure. ~~At formal steps~~ In a formal grievance process, agreements to
- 170 modify time limits shall be in writing. Requests for extensions of time will not be
- 171 unreasonably denied.
- 172
- 173 c. The University's failure ~~at any step of this procedure~~ to communicate the decision on the
- 174 grievance within the time limit, including any extension thereof, shall be deemed a denial
- 175 of the grievance. The grievant's failure at any step of this procedure to appeal to the next
- 176 step within the time limit, including any extension thereof, shall be considered acceptance
- 177 by the grievant of the decision rendered at the previous step but will not constitute a past
- 178 practice or any precedent in the disposition of other cases.
- 179
- 180 d. A grievant may withdraw a grievance at any time.
- 181
- 182 e. All facts relevant to a grievance shall be presented by the parties with the objective
- 183 expressed in Section 1 of this Article.
- 184
- 185 f. Grievances alleging prohibited discrimination must be filed within 180 days following

186 the date on which the grievant knew or reasonably should have known of the act,  
187 omission, or condition which is the basis of the grievance.

188  
189 g. Grievances alleging discriminatory harassment must be filed within 365 days following  
190 the date on which the grievant knew or reasonably should have known of the act,  
191 omission, or condition which is the basis of the grievance.

192  
193 **Section 6.** Written grievances must include at least:

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

197  
198 b. The provision of this Agreement that the grievant believes to have been violated and a  
199 description of how it was violated; and

200  
201 c. The relief sought.

202  
203 **Section 7.** A grievance may not be filed for an act, omission or condition [related to provisions](#)  
204 [newly defined in this Agreement that which](#) occurred prior to the effective date of this  
205 Agreement.