

1 **ARTICLE 22. GRIEVANCE PROCEDURE**

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3 **Section 1.** The objective of this Article is to secure a fair and equitable resolution of grievances  
4 at the lowest possible step of the grievance procedure. The procedures below shall be the sole  
5 method for resolving grievances.

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7 **Section 2. Definitions:**

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

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

19  
20 "Grievant" means the member of the bargaining unit who initiates a grievance or the Union when  
21 it is the party who initiates a grievance.

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23 "Day" means business day.

24  
25 **Section 3.**

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27 **Informal Resolution Process**

28 a. Initiation of a Grievance

- 29 i. Within 45 days of the date the grievant knew, or reasonably should have known, of  
30 the act, omission, or condition which is the basis of the grievance, the grievant shall  
31 submit a grievance, as defined in Section 6, to the ELR grievance email address,  
32 [grievances@uoregon.edu](mailto:grievances@uoregon.edu). Grievances alleging discrimination, including  
33 discriminatory harassment, should be filed within 365 days of the date the grievant  
34 knew or reasonably should have known, of the act, omission, or condition which is  
35 the basis of the grievances. For purposes of this section only, days means calendar  
36 days.  
37 ii. In addition to the grievance requirements provided for in Section 6, the grievance  
38 should include a statement describing whether the grievant believes the informal  
39 resolution process would be effective.

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41 b. Review

- 42 i. Within 10 days of receiving the grievance, ELR shall schedule separate mandatory  
43 meetings with: (1) the grievant and the grievant's union representative (if desired by  
44 the grievant); and (2) the grievant's supervisor and/or other parties named in the  
45 grievance who have substantial information regarding the underlying facts. At these  
46 meetings, ELR and the grievant and the relevant administrator will discuss whether

1 an informal resolution would be an effective way to resolve the matter and will also  
2 make it clear to all parties that retaliation for participation in the informal and formal  
3 grievance is prohibited.

- 4 ii. If ELR and the grievant agree that the dispute may be resolved using an informal  
5 resolution process, ELR shall schedule and conduct an informal resolution process.  
6 This process will be complete within 35 days of the filing of the grievance.
- 7 iii. If ELR and the grievant determine that an informal resolution will not be successful  
8 or if the grievant does not agree to participate in an informal resolution process, a  
9 formal hearing, as described in Section 4, will be scheduled. The formal hearing will  
10 be held within 15 days of the date that ELR sends out a statement to the parties  
11 explaining that informal resolution process will not be used in the matter.
- 12 iv. At the conclusion of an informal resolution dispute process, ELR will send a letter to  
13 the grievant stating the informal resolution process has concluded.
- 14 v. At any point after the informal resolution dispute process has been initiated, the  
15 grievant can send ELR an email at [grievances@uoregon.edu](mailto:grievances@uoregon.edu) stating that the grievant  
16 no longer wishes to participate in the process. In response, ELR will send out a letter  
17 to the parties stating the informal resolution process has concluded.

## 18 19 **Formal Hearing**

### 20 c. Hearing

- 21 i. Grievance timeline: If the grievant is not satisfied with the outcome at the conclusion  
22 of the informal resolution process, the grievant may present the grievance to the  
23 Provost's Office within 14 days of receiving the letter from ELR explaining that the  
24 informal resolution process has concluded.
- 25 ii. Hearing timeline: A formal hearing with the Provost or Provost's Office Designee,  
26 will be scheduled within 15 days of receipt of the grievance described in section c (i).
- 27 iii. At or before the grievance hearing, the grievant is allowed to submit a number of  
28 relevant questions to the Provost or the Provost's Office Designee. The grievant will  
29 limit these questions to those that do not place an undue hardship on the university to  
30 respond to, and generally should be no more than 15 questions. The Provost's Office  
31 will respond to the questions within 15 days. This section does not limit the Union's  
32 right to make information requests under PECBA, nor the confidentiality rights  
33 afforded to employees and students under UO policy and state and federal law.
- 34 iv. The Provost's Office will send a decision in writing to the grievant within 21 days of  
35 the hearing. If questions are presented at the hearing by the union, the decision-  
36 deadline will be extended to 45 days from the date of the hearing. Disputes against  
37 the Provost may be filed with the President in lieu of the Provost. If the grievant is not  
38 represented by the Union, a copy of the decision will be sent to the Union forthwith.

## 39 40 **Grievances Alleging Prohibited Discrimination**

- 41 d. If the grievance alleges prohibited discrimination or retaliation for filing a claim of  
42 prohibited discrimination, ELR will send the grievance to the Office of Investigations and  
43 Civil Rights Compliance (OICRC). OICRC will send a letter acknowledging the  
44 grievance (acknowledgment letter) and assigning an investigator to conduct an initial  
45 assessment of the grievance, which will include a meeting with the grievant and, if the  
46 grievant wants, his or her union representative.

- 1  
2 i. If OICRC decides that the grievance is within their jurisdiction and should be  
3 formally investigated, the grievance will remain with OICRC and it will issue a  
4 Notice of Investigation to all parties (the grievant, employee and labor relations and  
5 the alleged bad actor). OICRC determines whether the grievance is in its  
6 jurisdiction by assessing whether if all the facts are true, there is a violation of UO's  
7 prohibited discrimination policies.  
8 ii. If OICRC decides that the grievance is not within their jurisdiction or is otherwise  
9 insufficient for formal investigation, the grievance as it relates to discrimination  
10 will be denied.  
11 iii. The grievant and OICRC can also mutually agree that the grievance will go through  
12 the informal process set forth above. If the informal process is not successful, the  
13 grievance will come to OICRC for final disposition.  
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15 e. OICRC's process must provide the union and the grievant with at least the rights they  
16 would have otherwise received through the grievance process articulated in this Article,  
17 which means that the grievant can ask at least 15 questions that are relevant, can meet  
18 with the OICRC investigator and during the initial meeting described above, the union  
19 will be allowed to participate to the extent they could participate during a grievance  
20 hearing.  
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22 f. OICRC's process shall be concluded within 60 days of the date that OICRC sends the  
23 Notice of Investigation. For good cause, OICRC's investigation timeline can be extended  
24 by mutual agreement of the parties.  
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26 g. OICRC's decision may be appealed through Article 23.  
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28 h. If the grievance alleges prohibited discrimination as one of many grievance allegations,  
29 the grievance will be bifurcated and the parts alleging prohibited discrimination will  
30 follow the process set forth above. The remaining grievance allegations will follow the  
31 normal informal resolution/hearing process. If a remedy offered through the normal  
32 grievance process would irreparably harm the grievant, the grievance process may be  
33 stayed pending the OICRC investigation. The parties can also stay the grievance process  
34 through mutual agreement.  
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36 **Section 4.** If the Union is the grievant, the grievance can be filed no later than 45 days following  
37 the date on which the bargaining unit faculty member whose rights under this Agreement were  
38 allegedly violated knew or reasonably should have known of the act, event, or condition which is  
39 the basis of the grievance.  
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41 **Section 5. General Provisions.**  
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- 43 a. A grievant may represent themselves at any step in the grievance process or may elect  
44 to be accompanied or represented by a Union representative. If the Union does not  
45 represent the grievant, the resolution of the grievance shall not be inconsistent with the  
46 terms of this Agreement.

- 1  
2 b. The grievant and the University may agree to modify the time limits in any step of the  
3 grievance procedure. At formal steps, agreements to modify time limits shall be in  
4 writing. Requests for extensions of time will not be unreasonably denied.  
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6 c. The University's failure at any step of this procedure to communicate the decision on  
7 the grievance within the time limit, including any extension thereof, shall be deemed a  
8 denial of the grievance. The grievant's failure at any step of this procedure to appeal to  
9 the next step within the time limit, including any extension thereof, shall be considered  
10 acceptance by the grievant of the decision rendered at the previous step but will not  
11 constitute a past practice or any precedent in the disposition of other cases.  
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13 d. A grievant may withdraw a grievance at any time.  
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15 e. All facts relevant to a grievance shall be presented by the parties with the  
16 objective expressed in Section 1 of this Article.  
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18 f. Grievances alleging prohibited discrimination must be filed within 180 days following  
19 the date on which the grievant knew or reasonably should have known of the act,  
20 omission, or condition which is the basis of the grievance.  
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22 g. Grievances alleging discriminatory harassment must be filed within 365 days following  
23 the date on which the grievant knew or reasonably should have known of the act,  
24 omission, or condition which is the basis of the grievance.  
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26 **Section 6.** Written grievances must include at least:

- 27  
28 a. A statement describing the nature of the grievance, the approximate date of the  
29 events giving rise to the grievance, and the names of identifiable persons involved;  
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31 b. The provision of this Agreement that the grievant believes to have been violated and a  
32 description of how it was violated; and  
33  
34 c. The relief sought.  
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36 **Section 7.** A grievance may not be filed for an act, omission or condition which occurred prior to  
37 the effective date of this Agreement.