

ARTICLE 13
GRIEVANCES

Section 1. Intent

The objective of the University and the Union is to secure, at the lowest possible step of the grievance procedure, a fair and equitable resolution of grievances. The orderly processes herein set forth shall be the sole method used for resolution of grievances as that term is herein defined.

Section 2. Definitions

- a) "Grievance" means an allegation that there has been a violation, including but not limited to misinterpretation or improper application, of the terms of this Agreement.
- b) "Grievant" means one or more members of the bargaining unit, or ~~for purposes of Section 6 of~~ the Union or the University.
- ~~e) "Working day" means a day when classes or examinations are scheduled in accordance with the official academic quarter calendar of the University.~~
- ~~d) c) "Informal Resolution" means a resolution process that is conducted by the employee and labor relations team (ELR) or ELR's designee that is designed to resolve a grievance through informal processes like facilitated conversations, mediations or other informal processes that do not include a formal hearing and a written decision issued by the university. Except information that triggers a reporting obligation under UO policy or state or federal law or information that discloses a serious threat of harm to an individual, property or the campus community, information shared during an informal resolution process cannot be used by the university, the union, or the grievant during a formal hearing or at arbitration.~~

Section 3. General Provisions

- a) Grievants may consult with Union representatives at any time relative to a grievance, provided such consultation does not interfere with the scheduled working hours of the parties involved. A grievant may have a union representative present at any step of the procedure.
- b) The Union and University may agree to modify the time limits in any step of the grievance procedure. At formal steps, agreements to modify time limits shall be in writing. Requests for extensions of time will not be unreasonably denied.
- c) Failure at any step of this procedure to communicate the decision on the grievance within the time limit, including any extension thereof, shall permit the grievant to proceed to the next step. Failure at any step of this procedure to appeal to the next step within the time limit, including any extension thereof, shall be deemed to be acceptance of the decision.

- 46 d) A grievant has the right at any step to self-representation or to appoint the Union as a
47 representative. If the Union does not represent the grievant, the resolution of the grievance
48 shall not be inconsistent with the terms of this Agreement.
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- 50 e) All facts relevant to a grievance or complaint shall be presented by the parties with the
51 objective expressed in Section 1 of this Article.
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53 **Section 4. Presentation of Grievance**
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- 55 a) The grievant must present the grievance not later than forty-five (45) ~~working~~ days
56 following the earliest date on which the grievant had or could have been reasonably
57 expected to have had knowledge of the act, event, or the commencement of the condition
58 which is the basis of the grievance.
59
- 60 b) Grievances alleging discriminatory harassment (including sexual harassment), as defined
61 by published university policy on prohibited discrimination, discriminatory harassment, and
62 sexual harassment must be filed within 365 ~~calendar~~ days of the earliest date that the grievant
63 had or could have been reasonably expected to have had knowledge of the act, event, or the
64 commencement of the condition which is the basis of the grievance. ~~To file an employment-~~
65 ~~related discrimination grievance, GEs are encouraged to contact the Graduate Teaching Fellows~~
66 ~~Federation. For discrimination grievances that pertain to a GE's role as a student, graduate~~
67 ~~students should refer to the student section of the ~~AAEO Discrimination Grievance Procedures~~~~
68 ~~online (~~http://aaeo.uoregon.edu/booklet.html~~) Office of Investigations and Civil Rights~~
69 ~~Compliance (OICRC) Formal Complaint procedures (~~https://investigations.uoregon.edu/how-~~~~
70 ~~make-formal-complaint~~). ~~The ~~AAEO~~ OICRC will encourage all GEs attempting to file an~~
71 ~~employment-related discrimination complaint to contact the GTFF.~~
72
- 73 c) Written grievances (at Step 2 and above) will include at least:
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- 75 i. A statement containing the approximate date and the nature of the grievance and
76 the names of identifiable persons directly involved and/or responsible for the act
77 or omission alleged to be the cause of the grievance.
 - 78 ii. The provision(s) of this agreement which the grievant believes to have been
79 violated, misinterpreted or improperly applied.
 - 80 iii. All relevant facts supporting the allegation.
 - 81 iv. The relief sought.
 - 82 v. The name of the person representing the grievant.
 - 83 vi. The date and signature of the member(s) of the bargaining unit included in the
84 grievance or an officer of the Union if the Union is the grievant.
 - 85 vii. For purposes of Section 6 a specific provision of this Agreement alleged to have
86 been violated shall be identified.
 - 87 ~~viii. A statement describing whether the grievant believes the informal resolution~~
88 ~~process would be effective.~~

89
90 **Section 5. Processing of Grievances**
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92 Informal Resolution Process

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94 a) Initiation of a Grievance

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96 i. The grievant shall submit a grievance, as defined in Section 3(b), to the ELR
97 grievance email address, grievances@uoregon.edu.

98
99 b) Review

100
101 i. Within 10 days of receiving the grievance, ELR shall schedule separate
102 mandatory meetings with: (1) the grievant and the grievant's union representative
103 (if desired by the grievant); and (2) the grievant's supervisor and/or other parties
104 who have substantial information regarding the underlying facts or who have the
105 authority to make decisions regarding the requested remedy. At these meetings,
106 ELR and the grievant and the relevant administrator will discuss whether an
107 informal resolution would be an effective way to resolve the matter and will also
108 make it clear to all parties that retaliation for participation in the informal and
109 formal grievance is prohibited.

110 ii. If ELR and the grievant agree that the dispute may be resolved using an informal
111 resolution process, ELR shall schedule and conduct an informal resolution
112 process. This process will be complete within 35 days of the filing of the
113 grievance.

114 iii. If ELR determines that an informal resolution will not be successful or if the
115 grievant does not agree to participate in an informal resolution process, a formal
116 hearing, as described below will be scheduled. The formal hearing will be held
117 within 15 days of the date that ELR sends out a statement to the parties explaining
118 that informal resolution process will not be used in the matter.

119 iv. At the conclusion of an informal resolution dispute process, ELR will send a letter
120 to the grievant stating the informal resolution process has concluded.

121 v. At any point after the informal resolution dispute process has been initiated, the
122 grievant can send ELR an email at grievances@uoregon.edu stating that the
123 grievant no longer wishes to participate in the process. In response, ELR will send
124 out a letter to the parties stating the informal resolution process has concluded.

125
126 Formal Hearing

127
128 a) Hearing

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130 i. Grievance timeline: If the grievant is not satisfied with the outcome at the
131 conclusion of the informal resolution process, the grievant may present the
132 grievance to the President of the University of Oregon or designee within ten (10)
133 days of receiving the letter from ELR explaining that the informal resolution
134 process has concluded.

- 135 ii. ~~Hearing timeline: A formal hearing will be scheduled within 15 days of receipt of~~
136 ~~the grievance.~~
- 137 iii. ~~At or before this hearing, the grievant is allowed to submit a number of relevant~~
138 ~~questions to the President or the President's designee. The grievant will limit~~
139 ~~these questions to those that do not place an undue hardship on the university to~~
140 ~~respond to, and generally should be no more than 15 questions. The President or~~
141 ~~designee will respond to the questions within 15 days. This section does not limit~~
142 ~~the Union's right to make information requests under PECBA, nor the~~
143 ~~confidentiality rights afforded to employees and students under UO policy and~~
144 ~~state and federal law.~~
- 145 iv. ~~The President or the President's designee will send a decision in writing to the~~
146 ~~grievant within 20 days of the hearing. Disputes against the President may be filed~~
147 ~~with the Provost in lieu of the President. If the grievant is not represented by the~~
148 ~~Union, a copy of the decision will be sent to the Union.~~

149

150 Step 1. (Informal)

- 151
- 152 a) Except for grievances filed under Section 6, where appropriate, GEs may present
153 grievances orally to the person to whom the GE is assigned.
- 154
- 155 b) That person will report the decision orally to the GE within five (5) working days of its
156 presentation.
- 157
- 158 c) Any settlement, withdrawal or other disposition of a grievance through this informal step
159 shall not constitute any precedent in the disposition of similar grievances.
- 160

161 Step 2. (Formal)

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- 163 a) If the grievant is not satisfied with the decision at Step 1 (or if Step 1 was not used), the
164 grievant or a representative may present the grievance to the head of the operating unit
165 (department, institute, school, etc.) within ten (10) working days of the decision at Step 1
166 if applicable.
- 167
- 168 b) The grievance shall be in writing as provided in Section 4b) above. The Graduate School
169 and the Employee Relations Manager shall be provided with copies.
- 170
- 171 c) If the grievance is not presented by a Union representative, the unit head shall send a
172 copy of the grievance to the Union forthwith. If Step 1 is omitted, the grievance must be
173 filed at this step within the time limits provided in Section 4a) above.
- 174
- 175 d) The unit head shall arrange a meeting between the unit head or designee(s) and the
176 grievant or representative(s) within fifteen (15) ten (10) working days of receipt of the
177 written grievance. The grievant is encouraged, but not required to attend.
- 178

179 e) If the grievant elects not to be represented by the Union, notice of the meeting shall be
180 given to the Union and a Union representative shall be entitled to be present at the
181 meeting.

182
183 f) The unit head will send a decision in writing to the grievant with a copy to the Union
184 within twenty (20) fifteen (15) working days of the presentation of the grievance.
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186 **Step 3. (President or Designee)**

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188 a) In the event that the grievant is not satisfied with the decision at Step 2, the grievant may
189 present the written grievance to the President of the University of Oregon or designee
190 within ten (10) working days of the decision at Step 2.
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192 b) The President or designee(s), other than persons involved at Step 1 or Step 2, or the
193 Graduate School Dean, will convene and conduct a grievance hearing in which the
194 grievant and/or representative(s) shall participate. If a grievant is not represented by the
195 Union, notice of the meeting to hear the grievance shall be given to the Union and a
196 Union representative shall be entitled to be present.
197

198 c) The President or designee(s) shall send a decision in writing to the grievant with a copy
199 to the Union within twenty (20) working days of the presentation of the written grievance
200 to the President.
201

202 d) Any designee of the President shall have relevant experience with legal agreements
203 related to employment contracts or dispute resolution related to employment contracts.
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205 **Section 6. Union or University as Grievant**

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207 If the Union or the University is the grievant, the grievance shall be filed at Step 3. Within five
208 (5) working days of filing a Step 3 grievance under Section 6, a representative for the Union and
209 the Graduate School agree to meet to discuss the grievance. The party filing the grievance will
210 initiate the meeting. Both parties agree that informal discussions to resolve the grievance can
211 continue during the Step 3 process.
212

213 **Section 67. Prohibited Discrimination**

214
215 **Grievances Alleging Prohibited Discrimination**

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217 a) If the grievance alleges prohibited discrimination or retaliation for filing a claim of
218 prohibited discrimination, instead of following the process outlined in Section 5, ELR
219 will send the grievance to the Office of Investigations and Civil Rights Compliance
220 (OICRC). OICRC will send a letter in writing acknowledging the grievance
221 (acknowledgment letter) to the grievant and their representative within two (2) days of
222 receipt of the grievance. OICRC will ~~and~~ assigning an investigator to conduct an initial
223 assessment of the grievance, which will include a meeting with the grievant and, if the

224 grievant wants, his or her their union representative, within five (5) days of sending the
225 acknowledgement letter.

- 226
- 227 i. If OICRC decides that the grievance is within their jurisdiction and should be
228 formally investigated, the grievance will remain with OICRC and it will issue a
229 Notice of Investigation to all parties (the grievant(s), the Union, ELR and the
230 alleged bad actor(s)). OICRC determines whether the grievance is in its
231 jurisdiction by assessing whether, if all the facts as stated in the grievance are true,
232 there is a violation of UO's prohibited discrimination policies and/or relevant
233 articles of the GTFF Collective Bargaining Agreement pertaining to
234 discrimination.
- 235 ii. If OICRC decides that the grievance is not within their jurisdiction or is otherwise
236 insufficient for formal investigation, the grievance as it relates to discrimination or
237 retaliation will be denied. Elements of the grievance not related to discrimination
238 shall follow the process described in Section 5.

- 239
- 240 b) The grievant is entitled to union representation at any and all stages of OICRC's
241 investigation, and the grievant and Union maintain all of the rights described in this
242 Article.

243

244 OICRC's process must provide the union and the grievant with at least the rights they
245 would have otherwise received through the grievance process articulated in this Article,
246 which means that the grievant can ask at least 15 questions that are relevant, can meet
247 with the OICRC investigator and during the initial meeting described above, the union
248 will be allowed to participate to the extent they could participate during a grievance
249 hearing.

- 250
- 251 c) OICRC's process shall be concluded within 90 forty (40) days of the date that OICRC
252 sends the Notice of Investigation.

- 253
- 254 ~~d) Any discipline issued as a result of OICRC's investigation must meet the just cause~~
255 ~~standard and, if the discipline is issued against a GE, may be appealed through this~~
256 ~~Article for failure to meet the just cause standard.~~

- 257
- 258 e) If the grievance alleges prohibited discrimination as one of many grievance allegations,
259 the grievance will be bifurcated and the parts alleging prohibited discrimination will
260 follow the process set forth in Section 6 of this Article. The remaining grievance
261 allegations will follow the normal informal resolution/hearing process set forth in Section
262 5. If the grievant believes that ~~If~~ a remedy offered through the normal grievance process
263 would irreparably harm them grievant, the grievance process may will be stayed pending
264 the OICRC investigation at the request of the grievant. The parties can also stay the
265 grievance process through mutual agreement.