

1 **ARTICLE 13. GRIEVANCES**

2 GTFF Proposed Language | ~~GTFF deletion~~ | UO Proposed Language | ~~UO deletion~~ |  
3 Agreed Upon Language | Status Quo

4  
5 **Section 1. Intent**

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

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12 **Section 2. Definitions**

- 13 a) "Grievance" means an allegation that there has been a violation, including but not  
14 limited to misinterpretation or improper application, of the terms of this Agreement.  
15  
16 b) "Grievant" means one or more members of the bargaining unit, or the Union or the  
17 University.

18  
19 **Section 3. General Provisions**

- 20  
21 a) Grievants may consult with Union representatives at any time relative to a grievance,  
22 provided such consultation does not interfere with the scheduled working hours of the  
23 parties involved. A grievant may have a union representative present at any step of the  
24 procedure.  
25  
26 b) The Union and University may agree to modify the time limits in any step of the  
27 grievance procedure. At formal steps, agreements to modify time limits shall be in  
28 writing. Requests for extensions of time will not be unreasonably denied.  
29  
30 c) Failure at any step of this procedure to communicate the decision on the grievance  
31 within the time limit, including any extension thereof, shall permit the grievant to proceed  
32 to the next step. Failure at any step of this procedure to appeal to the next step within  
33 the time limit, including any extension thereof, shall be deemed to be acceptance of the  
34 decision.  
35  
36 d) A grievant has the right at any step to self-representation or to appoint the Union as a  
37 representative. If the Union does not represent the grievant, the resolution of the  
38 grievance shall not be inconsistent with the terms of this Agreement.  
39  
40 e) All facts relevant to a grievance or complaint shall be presented by the parties with the  
41 objective expressed in Section 1 of this Article.  
42

43 f) Grievance determinations must include a response to each charge made in the  
44 grievance, detailing justification for sustaining or denying each count, including  
45 reference to any relevant information, evidence, university policy, and/or law that  
46 the decision maker has used as justification for their decision.

47  
48 g) Grievance determinations must include a response to each remedy proposed in  
49 the grievance, detailing justification for acceptance or rejection of remedies.

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51 **Section 4. Presentation of Grievance**

52 a) The grievant must present the grievance not later than sixty (60) forty-five (45)  
53 working days following the earliest date on which the grievant had or could have been  
54 reasonably expected to have had knowledge of the act, event, or the commencement of  
55 the condition which is the basis of the grievance.

56  
57 b) Grievances alleging discriminatory harassment (including sexual harassment), as  
58 defined by published university policy on prohibited discrimination, discriminatory  
59 harassment, and sexual harassment must be filed within 365 calendar days of the  
60 earliest date that the grievant had or could have been reasonably expected to have had  
61 knowledge of the act, event, or the commencement of the condition which is the basis of  
62 the grievance. To file an employment-related discrimination grievance, GEs are  
63 encouraged to contact the Graduate Teaching Fellows Federation. For discrimination  
64 grievances that pertain to a GE's role as a student, graduate students should refer to the  
65 student section of the Office of Equal Opportunity and Access (OEOA) Office-of  
66 Investigations and Civil Rights Compliance (OICRC) Formal Complaint procedures  
67 (<https://investigations.uoregon.edu/how-make-formal-complaint>). The OEOA OICRC will  
68 encourage all GEs attempting to file an employment-related discrimination complaint to  
69 contact the GTFF.

70  
71 c) Written grievances (at Step 2 and above) will include at least:

- 72  
73 i. A statement containing the approximate date and the nature of the grievance and  
74 the names of identifiable persons directly involved and/or responsible for the act  
75 or omission alleged to be the cause of the grievance.  
76 ii. The provision(s) of this agreement which the grievant believes to have been  
77 violated, misinterpreted or improperly applied.  
78 iii. All relevant facts supporting the allegation.  
79 iv. The relief sought.  
80 v. The name of the person representing the grievant.  
81 vi. The date and signature of the member(s) of the bargaining unit included in the  
82 grievance or an officer of the Union if the Union is the grievant.  
83 vii. For purposes of Section 6 a specific provision of this Agreement alleged to have  
84 been violated shall be identified.  
85

86 **Section 5. Processing of Grievances**

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88 At all steps of the grievance procedure, decisions on the basis of contract violation shall  
89 be made based on the facts at the time of filing unless i.) relevant investigatory actions  
90 have occurred prior to the scheduled grievance meeting or hearing or ii.) both parties  
91 agree to take other non-investigatory updates into consideration. Relevant investigatory  
92 actions include but are not limited to: information request processing, requisition of  
93 evidence, and relevant testimonies.

94

95 Step 1. (Informal)

96 a) Except for grievances filed under Section 6, where appropriate, GEs may present  
97 grievances orally to the person to whom the GE is assigned.

98

99 b) That person will report the decision orally to the GE within five (5) working days of its  
100 presentation.

101

102 c) Any settlement, withdrawal or other disposition of a grievance through this informal step  
103 shall not constitute any precedent in the disposition of similar grievances.

104

105 Step 2. (Formal)

106 a) If the grievant is not satisfied with the decision at Step 1 (or if Step 1 was not used), the  
107 grievant or a representative may present the grievance to the head of the operating unit  
108 (department, institute, school, etc.) within ten (10) working days of the decision at Step 1  
109 if applicable.

110

111 b) The grievance shall be in writing as provided in Section 4b) above. The Division of  
112 Graduate Studies and the Employee Relations Manager shall be provided with copies.

113

114 c) If the grievance is not presented by a Union representative, the unit head shall send a  
115 copy of the grievance to the Union forthwith. If Step 1 is omitted, the grievance must be  
116 filed at this step within the time limits provided in Section 4a) above.

117

118 d) The unit head shall arrange a meeting between the unit head or designee(s) and the  
119 grievant or representative(s) within ten (10) working days of receipt of the written  
120 grievance. The grievant is encouraged, but not required to attend.

121

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

125

126 f) The unit head will send a decision in writing to the grievant with a copy to the Union  
127 within fifteen (15) working days of the presentation of the grievance.

128

129 Step 3. (President or Designee)  
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- 131 a) In the event that the grievant is not satisfied with the decision at Step 2, the grievant may  
132 present the written grievance to the President of the University of Oregon or designee  
133 within ten (10) working days of the decision at Step 2. The University must send an  
134 acknowledgement of receipt of the Step 3 grievance within five (5) working days.  
135
- 136 b) The President or designee(s), other than persons involved at Step 1 or Step 2, or the  
137 Division of Graduate Studies Dean, will convene and conduct a grievance hearing  
138 within fifteen (15) working days of receipt of the Step 3 grievance in which the  
139 grievant and/or representative(s) shall participate. If a grievant is not represented by the  
140 Union, notice of the meeting to hear the grievance shall be given to the Union and a  
141 Union representative shall be entitled to be present.  
142
- 143 c) The President or designee(s) shall send a decision in writing to the grievant with a copy  
144 to the Union within twenty (20) working days of the presentation of the written grievance  
145 to the President.  
146
- 147 d) Any designee of the President shall have relevant experience with legal agreements  
148 related to employment contracts or dispute resolution related to employment contracts.  
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150 **Section 6. Union or University as Grievant**  
151

152 If the Union or the University is the grievant, the grievance shall be filed at Step 3. Within five (5)  
153 working days of filing a Step 3 grievance under Section 6, a representative for the Union and the  
154 Division of Graduate Studies agree to meet to discuss the grievance. The party filing the  
155 grievance will initiate the meeting. Both parties agree that informal discussions to resolve the  
156 grievance can continue during the Step 3 process.  
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158 **Section 7. Prohibited Discrimination**  
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160 **Grievances Alleging Prohibited Discrimination**  
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- 162 a) If the grievance alleges prohibited discrimination or retaliation for filing a claim of  
163 prohibited discrimination, instead of following the process outlined in Section 5, the  
164 grievant and/or the union will send the grievance to the Office of Equal Opportunity  
165 and Access (OEOA) Office of Investigations and Civil Rights Compliance (OICRC)  
166 and to ELR. OEOA OICRC will send a letter acknowledging the grievance  
167 (acknowledgment letter) to the grievant and their representative within two (2) days of  
168 receipt of the grievance. The acknowledgement letter will only state that the grievance  
169 has been received. OEOA OICRC will assign an investigator to conduct an initial  
170 assessment of the grievance, which will include a meeting with the grievant and, if the

171 grievant wants, their union representative, within ten (10) days of sending the  
172 acknowledgement letter.

- 173
- 174 i. If OEOA QICRC decides that the grievance is within their jurisdiction and should be  
175 formally investigated, the grievance will remain with OEOA QICRC and it will issue a  
176 Notice of Investigation to all parties (the grievant(s), the Union but only if the grievant  
177 has filed an advisor designation form, ELR and the alleged bad actor(s)). OEOA QICRC  
178 determines whether the grievance is in its jurisdiction by assessing whether, if all the  
179 facts as stated in the grievance are true, there is a violation of UO's prohibited  
180 discrimination policies and/or, if there is a conflict, relevant articles of the GTFF  
181 Collective Bargaining Agreement pertaining to discrimination.
- 182
- 183 ii. If OEOA QICRC decides that the grievance is not within their jurisdiction or is otherwise  
184 insufficient for formal investigation, the grievance as it relates to discrimination or  
185 retaliation will be denied. Elements of the grievance not related to discrimination shall  
186 follow the process described in Section 5.
- 187
- 188 b) The grievant is entitled to union representation at any and all stages of OEOA's  
189 QICRC's investigation, and the grievant and Union maintain all of the rights described in  
190 this Article.
- 191
- 192 c) OEOA's QICRC's process shall conclude within sixty (60) days of the date that OEOA  
193 QICRC sends the Notice of Investigation.
- 194
- 195 d) If the grievance alleges prohibited discrimination as one of many grievance allegations,  
196 the grievance will be bifurcated and the parts alleging prohibited discrimination will follow  
197 the process set forth in Section 7 of this Article. The remaining grievance allegations will  
198 follow the process set forth in Section 5. The parties can stay the grievance process  
199 through mutual agreement.