

1 Oregon State University
2 Package Proposal with Arbitration Article as proposed by UAOSU on March 25, 2020
3 March 25, 2020
4

5 **Grievance Procedure**

6 **Section 1. Intent.** The purpose of this Article is to provide a procedure that will promote prompt and
7 efficient investigation and resolution of grievances at the lowest possible grievance step. The Parties
8 recognize and encourage informal resolution of grievances whenever possible, and encourage open
9 communication between bargaining unit members and supervisors.

10 This Article is the exclusive remedy for allegations of violation of the Collective Bargaining Agreement.

11 The procedures set forth shall be the sole method for resolving grievances under this Agreement.

12 **Section 2. Definitions.**

13 **Grievance** – means an allegation that there has been a violation, misinterpretation, or improper
14 application of the express terms of this written Agreement ~~or a university rule, policy, procedure or~~
15 ~~standard related to the terms and conditions of a bargaining unit member's employment.~~ Grievances shall
16 not challenge the merit of an academic judgement but may challenge the process used to arrive at an
17 academic judgement. Complaints of discrimination on the basis of Article XX. Non-Discrimination are
18 subject to alternative procedures specifically outlined in Section 5 of this Article.

19 **Academic Judgement** – means the judgement of faculty and administrators concerning matters of
20 curricula and education policy, academic standards, competence and performance.

21 **Grievant** – means one or more bargaining unit members or the United Academics alleging damage or
22 injury by the act or omission being grieved.

23 **Day** – means a calendar day regardless of the official academic calendar of the university. This definition
24 will be applied unless otherwise mandated by federal, state, or other regulatory requirements.

25 **Section 3. Procedures.**

26 a. A grievant has the right of self-representation at any step in the grievance procedure and/or
27 may choose to be accompanied or represented by a union representative. If United
28 Academics does not represent the grievant, the resolution of the grievance shall not be
29 inconsistent with the terms of this Agreement.

30
31 b. A bargaining unit member may choose to self-represent, but request that a union
32 representative be present. In that case, the union representative will only observe the
33 process.

34
35 c. Time is of the essence in presenting grievances. Grievances must be filed within thirty days of
36 the date of the act, omission, or commencement of the condition upon which the condition
37 is based; or from the date that the grievant knew or should have known of the act, omission,

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1 or commencement of the condition if it is a later date, except as noted in d. and e. of this
2 section.

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- 4 d. Grievances alleging a violation of Article XX. Non-Discrimination must be filed within 180 days
5 of the alleged harmful act at Step 3.
- 6
- 7 e. If a grievant can demonstrate an earnest attempt to resolve a potential grievance informally
8 within thirty days of the date of the act, omission, or commencement of the condition upon
9 which the condition is based, or from the date that the grievant knew or should have known
10 of the act, omission or commencement of the condition, the grievance time limits will
11 automatically be extended to forty-five days.
- 12
- 13 f. Grievances filed by United Academics, on its own behalf, will be filed at Step 3.
- 14
- 15 g. Once a grievance is filed, neither the grievant nor United Academics shall alter the written
16 grievance to amend the allegation with respect to those provisions of the Agreement ~~or~~
17 ~~university rule, policy, procedure, or standard related to the terms and conditions of a~~
18 ~~bargaining unit member's employment~~ alleged to have been violated, misinterpreted, or
19 improperly applied.
- 20
- 21 h. Failure to initiate a grievance or an appeal within the specified time limits shall constitute a
22 waiver of the grievance and acceptance of the decision rendered. If the Employer fails to
23 communicate the decision on the grievance within the time limits, the grievant may proceed
24 to the next step.
- 25
- 26 i. The Employer may refuse consideration of a grievance not filed in accordance with this Article.
- 27
- 28 j. The Parties may agree to modify the time limits in any step of the grievance procedure.
29 Reasonable requests to modify the time limits will be granted. Any agreement to modify the
30 time limits must be in writing.
- 31
- 32 k. A grievance may be withdrawn by the grievant at any time.
- 33
- 34 l. A grievance may not be presented under this Article for an act or omission which occurred
35 prior to the effective date of this Agreement.
- 36

37 **Section 4. Presentation of Grievances.** Grievances that cannot be resolved informally shall be filed at Step
38 1, except if the matter being grieved relates to an act or omission by the Dean (or persons in positions at
39 a similar level), in which case the grievance may be filed at Step 3 in the manner provided.

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40 **Step 1. Academic Unit Head.** The grievance shall set forth:

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- 41 a. the grievant's name

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1 Use of the grievance process shall not prohibit a bargaining unit member from filing an administrative
2 complaint with a relevant outside agency, such as the Bureau of Labor and Industries or the Equal
3 Employment Opportunity Commission.