

Reason for Policy

To provide employees with clear, efficient, and transparent grievance processes when resolution through informal means has not resolved the concerns.

Entities Affected by this Policy

All UO employees.

Web Site Address for this Policy

<https://policies.uoregon.edu/grievance-procedures>

Responsible Office

For questions about this policy, please contact the Office of Human Resources at 541-346-3159 or hrpolicy@uoregon.edu.

Enactment & Revision History

23 February 2017 - Revisions (as to Officers of Administration) approved by the university president

18 August 2016 - Temporary changes enacted on August 18, 2016 expired on February 18, 2017.

18 February 2017 - Temporary changes expired

18 August 2016 - Temporary changes enacted by the university president

18 February 2016 - Temporary revisions to Section L approved by the university president

4 September 2015 - Technical revisions enacted by the university secretary

11 December 2014 - Section L(2)(a) amended by the Board of Trustees

1 July 2014 - Became a University of Oregon Policy by operation of law

Former Oregon Administrative Rule Chapter 571 Division 3.

Policy

Employees may have occasional problems or issues affecting their work-related activities, and it is important to resolve these as soon as possible. The university encourages employees to resolve disagreements respectfully through informal, frank, and open discussion. Human Resources and the Ombuds Program are two resources available to assist with informal resolutions. However, the university also recognizes that occasionally more formal processes are needed.

The following Grievance Policy applies to all employees, except for situations excluded under section I.A and I.B.

I. GRIEVABLE ISSUES

Employees can file a grievance related to (1) an adverse employment action, including but not limited to discipline and involuntary separation; (2) university action or inaction that is negatively impacting the employee's work environment; or (3) any allegation that they have been or are being adversely affected by an improper application or interpretation of a rule, regulation, policy, or procedure that is not specifically excluded below. To the extent that an action is taken in accordance with university or unit-level policy, procedure and/or guidance, a grievance will generally not be sustained. Grievances filed by students that are not related to student-employment should follow the processes set forth in the related Student Grievance Procedure. Grievances filed by Officers of Administration (OA) will be reviewed and resolved under the processes set forth in the related OA Grievance Policy.

In order to file a grievance, the university or an employee's actions or inactions must have adversely impacted the grieving employee. Employees may not file a grievance on behalf of others; however, employees may file jointly if (1) each employee who is a party to the grievance signs the grievance and (2) the underlying facts and allegations relevant to each employee are substantially similar. If an employee knows of a violation of university policy or the law but is not being harmed by the violation, the employee should either call the Office of Human Resources (HR), report the issue by calling the Fraud & Ethics hotline maintained through the Office of Internal Audit, or report the violation to the Office of Investigation and Civil Rights Compliance (OICRC), as appropriate.

A. EXCEPTIONS

In any instance where a grievance alleges violations of university policies or procedures that have their own complaint and/or grievance procedures, the more specific procedures control. This includes:

- Complaints against students: These should be filed with the Office of Student Conduct and Community Standards and will follow the processes set forth in the Student Conduct Code and/or Student Grievance Procedure.
- Complaints involving prohibited discrimination: These will be referred to and reviewed by the Office of Investigations and Civil Rights Compliance (OICRC) pursuant to the Prohibited Discrimination and Retaliation policy.
- Grievances filed by represented employees: These will be reviewed and resolved pursuant to the terms of the relevant collective bargaining agreement (CBA). See Related Resources below for CBA provisions.

B. FACULTY REVIEW DECISION APPEALS

Except for procedural violations, appeals by faculty involving the denial of a promotion in rank, denial of tenure, or a decision to place a faculty member on a terminal contract following a mid-term review follow the Faculty Review Decision Appeals procedures in the Related

Resources section, below, and are not subject to this policy. A reviewable decision of the Provost may be appealed only on the following grounds: (1) whether the Provost was presented with errors of fact that materially affected their decision; (2) whether the Provost disregarded or overlooked material evidence that was provided to them; (3) whether material information was unavailable to reviewers through no fault of the candidate; and (4) whether the Provost's decision was arbitrary or capricious. The outcome of the Faculty Review Decision Appeals process is final and binding and is not subject to grievance, arbitration, or further appeal.

II. INFORMAL RESOLUTION

Regular and effective communication between supervisors and employees reduces the likelihood of misunderstanding and conflict. The university expects and encourages supervisors and employees to communicate openly and regularly so that potential issues are addressed at the lowest level possible. Supervisors, in particular, are encouraged to avail themselves of training opportunities on matters of communication, equity and inclusion, performance management, and other human resources topics to enhance their supervisory skills.

Before initiating Step 1 of the grievance process, employees are encouraged to make at least one attempt to resolve the issue informally, if possible. Employees may seek assistance with informal resolution from Human Resources or, for confidential and informal assistance, from the Ombuds Program. In accordance with federal guidelines, it is important to note that informal processes are not appropriate if the underlying allegations relate to sex discrimination involving violence, intimidation, a hostile atmosphere, or other violent actions.

III. FORMAL RESOLUTION - FILING A GRIEVANCE

Formal grievances may be filed on any of the grievable issues noted above.

All grievances must be in writing and must include at least:

- The basis for the grievance, including the policy, rule, or law provision that the grievant believes to have been violated, the circumstances that are negatively impacting the grievant, or the personnel action being grieved.
- A statement describing the nature of the grievance, the approximate date of the events giving rise to the grievance, the names of identifiable persons involved, and any other information the grievant believes should be considered.
- Whether a meeting with the decision-maker is requested.
- A recommendation for resolution.

Grievances should be submitted to the Grievance Administrator in University Human Resources at grievances@uoregon.edu. The Grievance Administrator is not a decision-maker on the grievance, but oversees the grievance process, including the relevant steps.

Employees cannot file multiple grievances relating to the same incident or underlying facts. Unless the facts become known after the grievance is filed, all relevant facts should be included in the underlying grievance.

The parties may agree to terminate a grievance after it has been initiated.

A. CONFIDENTIALITY

To the extent possible, the university will protect the confidentiality of grievants, witnesses and accused parties and, if information is disclosed, will disclose it on a need-to-know basis. However, it is important to understand that: (1) in order to investigate the matter and provide the other party with notice of the underlying allegations and an opportunity to respond, the university may need to reveal the identity of the grievant and relevant witnesses; and (2) employees and students have rights under federal or state law or pursuant to applicable bargaining agreements to review and inspect records relating to an investigation. For purposes of public records requests and to the extent allowed by law, the university will treat all materials submitted during an investigation as submitted in confidence, unless otherwise noted and/or as personal information, the disclosure of which would constitute unreasonable invasion of privacy.

B. TIME LIMITS

Regardless of at which step the grievance is initiated, an employee must file a grievance no later than forty-five (45) calendar days from when the employee knew or reasonably should have known about the incident or problem giving rise to the grievance.

If an employee is actively engaged in finding an informal resolution to the grievable matter, the employee may submit a request to the Grievance Administrator (grievances@uoregon.edu) for an extension of the 45-day filing deadline to allow the attempt at informal resolution to run its course. If an employee fails to observe the time limits established for any step, the grievance will be considered satisfactorily resolved. If the university fails to observe the time limits established for any step, the grievance is considered denied at that level and the employee may submit the grievance to the next step within the designated time limits of that next step.

If other circumstances require the extension of a grievance filing deadline, the employee may request an exception to this procedure as described in Section III.E. After a grievance has been timely filed, any timelines associated with an employee's advancement of their grievance to subsequent steps may be extended if the employee and the Grievance Administrator agree to the extension. However, for good cause, including but not limited to the need for additional investigation of the underlying claims of the grievance, the Grievance Administrator may extend up to 90 calendar days the deadline for the University's response to any grievance step by providing the grievant with notice of the extension.

C. GRIEVANCE STEPS & DECISIONS

The Grievance Administrator is responsible for assigning the grievance to the appropriate step and overseeing the grievance process. The grievance steps are not judicial in nature. At each step of the grievance process, a grievant may bring a support person with them to the grievance meeting. The support person's role is limited to asking clarifying questions and helping the grievant understand the process. The support person may not interfere with the process or unduly delay it. Grievance decisions are individualized determinations based on applicable facts and circumstances and do not constitute a past practice or any precedent for the disposition of other grievances.

Grievances involving the grievant's supervisor or related to a layoff may be filed directly at step 2. Grievances regarding discipline of a demotion, suspension or termination for cause may be filed directly at step 3. Grievances relating to the behavior of the President or of an employee who directly reports to the President may be filed at step 3. If the grievance is related to the President's behavior, the Grievance Administrator shall appoint a designee to hear the grievance. Grievances filed directly at step 2 or step 3 must be filed in accordance with the grievance timelines stated above. If the grievance is based on the actions of another employee, the decision-maker may meet with that employee in order to allow that person any opportunity to respond to the allegations.

Each decision-maker shall determine whether a policy violation occurred by using a more-likely-than-not-standard. Subsequent decision-makers are expected to rely on the findings from the prior step decisions and are primarily reviewing whether those findings are supported by a preponderance of the evidence, whether there were procedural irregularities that affected the outcome of the matter, and whether there is new information not previously available that would affect the determination.

If discipline or a performance improvement plan is being grieved, each decision-maker will determine whether the university followed the appropriate process and, if applicable, whether the discipline issued is commensurate with the underlying behavior.

Step 1 (Immediate Supervisor)

- For step 1 grievances, the Grievance Administrator will acknowledge receipt and assign the grievance to the supervisor of the person being grieved against.
- Within a reasonable amount of time, the Grievance Administrator will notify the grievant that the matter is under review and outline applicable timelines for meetings and grievance responses at this step.
- If the grievant or supervisor believes that the supervisor has a conflict of interest in hearing a step 1 grievance, either party may consult with Grievance Administrator to determine if an alternative decision-maker is appropriate for step 1. Human Resource's decision whether to appoint an alternative decision-maker is final.
- The grievant must indicate in the step 1 filing whether a meeting with the supervisor is requested.

- If a meeting is requested, the supervisor will meet with the grievant within 21 calendar days of submission of the written grievance.
- The supervisor will send a decision in writing to the grievant, ccing the Grievance Administrator, within 30 calendar days from the receipt of the written grievance or conclusion of the meeting, if one is requested by the grievant.

Step 2 (Dean, VP, or designee)

- If the grievant is not satisfied with the decision at step 1 or if the grievant is allowed to proceed directly to step 2, the grievant may file the written step 2 grievance with the Grievance Administrator. Grievants seeking to challenge the step 1 decision-maker's decision shall submit their step 2 grievance within 14 calendar days of the step 1 decision.
- For step 2 grievances, the Grievance Administrator will acknowledge receipt and assign the grievance to the Dean or Vice President (VP) in the unit or college where the issue arose, or their designee.
- Within a reasonable amount of time, the Grievance Administrator will acknowledge receipt of the grievance and outline applicable timelines for meetings and grievance responses at this step.
- The grievant must indicate in the step 2 filing whether a meeting with the Dean/VP/Designee is requested.
- If a meeting is requested, the Dean/VP/designee shall meet with the grievant within 21 calendar days of receipt of the written grievance.
- The Dean/VP/designee will send a decision in writing to the grievant, ccing the Grievance Administrator, within 45 calendar days from the submission of the step 2 grievance or conclusion of the meeting, if one is requested by the grievant.

Step 3 (President)

- If the employee is not satisfied with the decision at step 2 or if the employee is allowed to go directly to step 3, the employee may file the written step 3 grievance with the Grievance Administrator. Grievants seeking to challenge the step 2 decision-maker's decision shall submit their step 3 grievance within 14 calendar days of the step 2 decision.
- For step 3 grievances, the Grievance Administrator will acknowledge receipt and assign the grievance to the President or President's designee.
- Within a reasonable amount of time, the Grievance Administrator will acknowledge receipt of the grievance and outline applicable timelines.
- The President/designee will send a decision in writing to the grievant, ccing the Grievance Administrator, within 60 calendar days from the submission of the step 3 grievance. Except for cases filed directly at step 3, there is no meeting during this stage of the process.

- The President/designee's decision is binding. This concludes the formal grievance process and there are no further internal reviews or procedures, except as provided in Section III.D, below.

D. RETALIATION

The university's Prohibited Discrimination and Retaliation Policy prohibits retaliation against any person because they filed a grievance or otherwise participated in the grievance process. Individuals who believe they are experiencing retaliation relating to the grievance process should notify the Grievance Administrator or the Office of Investigations and Civil Rights Compliance (OICRC).

E. EXCEPTIONS TO THIS PROCEDURE

Employees seeking an exception to these procedures may file a petition with the Grievance Administrator. Exception requests should describe the specific exception being requested and the reason why the exception is needed (e.g., approved personal leave prevents meeting grievance timelines). The Grievance Administrator will respond to the request within 10 calendar days. Persons requesting a reasonable accommodation to this policy under the Americans with Disabilities Act, as amended, should contact the university's ADA Coordinator or Accessible Education Center (see Related Resources section, below). Grievances filed by Officers of Administration (OA) will be reviewed and resolved under the processes set forth in the related OA Grievance Policy (see Related Resources section, below).

RELATED RESOURCES

Grievance procedures for represented employees can be found in the relevant collective bargaining agreements, including:

- United Academics, <https://hr.uoregon.edu/united-academics>
- Graduate Teaching Fellows Federation (GTFF), <https://hr.uoregon.edu/graduate-teaching-fellows-federation>
- Service Employee International Union (SEIU), <https://hr.uoregon.edu/service-employee-international-union>
- University of Oregon Police Association (UOPA), <https://hr.uoregon.edu/university-oregon-police-association>
- Officer of Administration (OA) grievance policy, <https://hr.uoregon.edu/oa-grievance>

The student grievance policy, for grievances brought by students unrelated to any employment, can be found at [ADD WHEN STUDENT GRIEVANCE POLICY IS PASSED].

Tenure Related Appeals Process is available at *(Art. 21 of the UA CBA)*

[Student Conduct Code](#)

[Prohibited Discrimination and Retaliation Policy](#)

[Academic Freedom](#)

[Freedom of Inquiry and Free Speech](#)

[Proscribed Conduct](#)

Miscellaneous Information

[Support Resources](#)

[Ombuds Program](#)

[Senate Resolution against Racism](#)

[Employee Learning and Development Resources](#)