

## I. OVERVIEW

This procedure establishes the process for the fair, orderly, and timely resolution of grievances raised by Officers of Administrations (OA). Nothing in this procedure or policy shall be interpreted as precluding the university from investigating violations of its policy or the law. OAs shall not be discriminated or retaliated against for exercising their rights under the grievance process.

## II. GRIEVABLE ISSUES

An OA 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 OA's work environment; or (3) any allegation that he or she has been or is 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 policy, procedure and/or guidance (such as unit-level or HR), a grievance will generally not be sustained.

It is important to understand that in order to file a grievance, the university or the employee's actions or inactions must have adversely impacted the grieving OA. OAs may not file on behalf of others, however, OAs may file jointly if (1) each OA who is a party to the grievance signs the grievance and (2) the underlying facts and allegations relevant to each OA are substantially similar. If an OA knows of a violation of university policy or the law but is not being harmed by the violation, the OA 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), if appropriate.

### A. EXCEPTIONS

Complaints against students should be filed with the Office of Student Conduct and Community Standards.

In instances where a grievance alleges violations of university policies or procedures which have their own complaint and/or grievance procedures, the more specific procedures control. If the alleged violation relates to prohibited discrimination, OAs should report the violation as explained in the prohibited discrimination policy referenced below in section V. Complaints relating to prohibited discrimination filed with HR or another unit will be referred to OICRC and responded to as provided for in section V.

### III. 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, the OA is encouraged to make at least one attempt to resolve the issue informally, if possible. Facilitation assistance for this informal resolution is available through HR or the Office of the Ombuds. In accordance with federal guidelines, it is important to note that informal processes are not appropriate if the underlying allegations related to sex discrimination involving violence, intimidation, a hostile atmosphere, or other violent actions.

### IV. 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 OA believes should be considered.
- Whether a meeting with the decision-maker is requested.
- A recommendation for resolution.

If the grievance states that the basis for the grievance is that another employee acted contrary to university policy or the law, that employee will be provided with a copy of the grievance, subject to any applicable policies relating to records.

OAs 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. That being said, 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 and except as provided for in section V, an OA must file a grievance no later than forty-five (45) calendar days from when the OA knew or reasonably should have known about the incident or problem giving rise to the grievance. If an OA is actively engaged in finding an informal resolution to the grievable matter, the OA may petition the Chief Human Resources Officer or designee for an extension of the 45 day filing deadline to allow the attempt at informal resolution to run its course.

If an OA 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 OA may submit the grievance to the next step within the designated time limits of that next step.

If extraordinary circumstances require the extension of a grievance filing deadline, the OA may request an exception to this procedure as described below. After a grievance has been timely filed, any timelines associated with an OA's advancement of their grievance to subsequent steps may be extended if the OA and the administrative representative responsible for a given step 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 administrative representative may make a one-time extension of up to 90 days to the deadline for the University's response to any grievance step by providing the OA with notice of the extension.

### **C. GRIEVANCE STEPS**

The grievance steps are not judicial in nature. At each step of the grievance process, an OA 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 OA understand the process. The support person may not interfere with the process or unduly delay it.

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 an employee who directly reports to the President or the President's behavior may be filed at step 3. If the grievance is related to

the President's behavior, the President 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 or legal violation occurred by using a more likely than not standard.

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.

HR will maintain templates and guidance as to the grievance steps on its website.

#### Step 1 (Immediate Supervisor)

- An OA will present a grievance to his or her supervisor in writing and within the respective time limits as outlined above. Within a reasonable amount of time, the supervisor will acknowledge receipt of the grievance and outline applicable timelines for meetings and grievance responses at this step.
- If the OA or supervisor believes that the supervisor has a conflict of interest in hearing a step 1 grievance, either party may consult with HR to determine if an alternative decision maker is appropriate for step 1. HR's decision is final.
- The OA 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 OA within 21 days of receipt of the written grievance.
- The supervisor will send a decision in writing to the OA within 14 days of the meeting. If a meeting is not requested, the supervisor will send a decision in writing to the OA within 30 days of receipt of the written grievance.
- Any disposition of a grievance at Step 1 will not constitute a past practice or any precedent for the disposition of other grievances.

#### Step 2 (Dean, VP, or designee)

- If the OA is not satisfied with the decision at step 1 or if the OA is allowed to proceed directly to step 2, the OA may present the written grievance and the step-1 decision-maker's decision to his or her Dean, VP, or designee within 14 days of the issuance of the decision at step 1 or within 45 days if the grievance is being filed at step 2 directly. Within a reasonable amount of time, the Dean, VP or designee will acknowledge receipt of the grievance and outline applicable timelines for meetings and grievance responses at this step.

- The OA 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 OA within 21 days of receipt of the written grievance.
- The Dean/VP/designee will send a decision in writing to the OA within 30 days of the meeting. If a meeting is not requested, the Dean/VP/designee will send a decision in writing to the OA within 45 days of receipt of the written grievance.

### Step 3 (President)

- If the OA is not satisfied with the decision at step 2 or if the OA is allowed to go directly to step 3, the OA may present the written grievance to the President or President's designee within 14 days of the issuance of the decision at step 2, or within 45 days if the grievance is being filed at step 3 directly. Within a reasonable amount of time, the President or designee will acknowledge receipt of the grievance and outline applicable timelines for meetings and grievance responses at this step.
- The OA must indicate in the Step 3 filing whether a meeting with the President/designee is requested.
- If a meeting is requested, the President/designee will meet with the OA within 21 days of receipt of the written grievance.
- The President/designee will send a decision in writing to the OA within 30 days of the meeting. If a meeting is not requested, the President/designee will send a decision in writing to the OA within 60 days of receipt of the written grievance.
- The President/designee's decision is binding.

This concludes the formal grievance process and there are no further internal reviews or procedures. Prior to initiating court action against the university based on the university's failure to comply with its own policies, procedures or rules, an OA must exhaust this grievance process. This rule does not apply to claims relating to prohibited discrimination.

### **D. RETALIATION**

OAs who engage in the process outlined above are protected from retaliation. That means that the university cannot take an adverse action against an employee because the employee engaged in this process. Further, OAs may not retaliate against anyone who participates, or is believed to have participated, in any stage of the grievance process. Adverse action has the meaning described in the prohibited discrimination policy referenced below.

### **E. EXCEPTIONS TO THIS PROCEDURE**

To promote a fair and objective process, OAs can file a petition with the Chief Human Resources Officer (CHRO) requesting an exception to these procedures. 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 CHRO will respond to the request within ten (10) business days.

OAs requesting a reasonable accommodation to this procedure under the Americans with Disabilities Act, as amended, should contact OICRC.

## **V. COMPLAINTS INVOLVING PROHIBITED DISCRIMINATION POLICIES**

Complaints alleging prohibited discrimination or retaliation related to participation in a process associated with an investigation into prohibited discrimination should be filed with OICRC. Complaints should be filed within 365 days from when the OA knew or should have known about the incident or problem giving rise to the complaint. OICRC shall provide to the complainant, within ten (10) days of the receipt of the complaint: (1) a description of the process for handling the complaint; or (2) a statement that the complaint does not state facts that violate the university discrimination complaint and response policy and describing the OA's options. Under either scenario, OICRC will also provide information regarding interim measures, support services and the university's retaliation policy. Prohibited discrimination complaint processes shall be prompt, thorough, conducted by an impartial fact finder and consistent with the prohibited discrimination complaint procedures.

Complaints under this section should be directed to:

Office of Investigation and Civil Rights Compliance  
5221 University of Oregon, Eugene, OR 97403-5221  
(541) 346-3123

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### **RELATED RESOURCES**

PROHIBITED DISCRIMINATION COMPLAINT AND RESPONSE POLICY.