

Article ___: Grievance Procedures

Section 1. Purpose. The purpose of this Article is to provide a procedure that promotes the prompt and efficient resolution of grievances. The parties encourage informal resolution of grievances, whenever possible, and encourage open communication between bargaining unit members and administrators to avoid resorting to formal grievance procedures, except when unavoidable. ~~so that resort to formal procedures may not be necessary.~~

Oregon Tech is not obligated to observe any other procedure for the resolution of grievances, as that term is defined herein ~~defined~~, other than ~~that which is those~~ procedures outlined in this Article.

Section 2. Definitions.

A. “Grievance” is an allegation that there has been a violation, misinterpretation, or improper application of the provisions of this Agreement that had ~~a caused~~ a direct impairment or adverse effect on ~~to~~ the Grievant. The term “grievance” shall not include complaints related to matters of academic judgment.

B. “Grievant” means the Association or bargaining unit members bringing forth a grievance as defined above.

C. “Academic judgment” shall mean, unless expressly limited by another provision of this Agreement, the judgment by ~~faculty and~~ administrators concerning: (a1) academic standards, competence, and performance as these relate to appointment, reappointment, promotion, tenure, or merit salary increases; ~~and or~~ (b2) curricula and educational policy.

~~C.D.~~ “Day” means calendar business day.

Section 3. General Provisions.

A. A Grievant has the right of self-representation at any step in the grievance procedure. ~~and/or may choose to be accompanied by the Association’s designated official.~~ Oregon Tech will notify the Association’s grievance officer of the filing of a self-representation grievance, but not the substance of the grievance. –Any resolution of a self-representation grievance shall be consistent with all the terms of this Agreement.

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- B. If requested by Grievant, the Association has the right to be present at, and to participate in, any formal Step in the grievance procedure outlined below, but shall not interfere with the right of self-representation.
- C. A bargaining unit member who is serving as the Association's grievance officer and files a grievance on their own behalf shall relinquish the role of grievance officer for the bargaining unit until their dispute is resolved.
- D. Time is of the essence in the presentation of grievances. The time limits provided below for the initial presentation of a grievance are measured from the date of the act, omission, or commencement of condition upon which the grievance is based; or from such later date that the member-grievant knew or reasonably should have known of the act, omission, or commencement of the condition upon which a grievance is based.
1. In the event the time limit expires on a Saturday, Sunday, or holiday recognized by Oregon Tech, the time limit is automatically extended to the next business day.
 2. Time limits shall be tolled-extended for bargaining unit members who are on approved protected leave, other than sabbatical leave under Article [x], and resume the business day after returning from the leave.
 - 2.3. When mutually agreed upon by tThe parties, ~~may agree to modify~~ the time limits in any step of the grievance procedure may be modified. Any agreement to modify the time limits must be in writing.
 - 3.4. If the grievant or Association fails to meet the specified time limits, including any written modifications thereof, at any step of the grievance procedure, the grievance shall be considered withdrawn and it cannot be resubmitted or refiled. If Oregon Tech fails to issue a response within the specified time limits, including any written modifications thereof, at any step of the grievance procedure, the grievance may be advanced to the next step of the grievance procedure.
- E. No Grievant may advance a grievance to arbitration unless it is with the approval and participation of the Association.

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- F. Grievances and Notices of Intent to Arbitrate shall only be submitted on the forms attached in Appendix ___ of this Agreement (i.e., Grievance Form, Grievance Review Form, and Notice of Intent to Arbitrate). All sections of the appropriate form being submitted must be completed and signed by the Grievant.
- G. Once a grievance is filed, neither the Grievant nor the Association shall expand upon the original elements and substance of the written Grievance Form.
- H. If the matter being grieved relates to an act or omission by the Dean or Provost ~~or the President~~, the grievance may be presented at Step Two or Step Three, utilizing the Grievance Form.
- I. For all meetings under this Article, the parties shall inform each other at least one (1) day in advance of the meeting as to who will participate in the meeting. A failure to comply with this provision shall not act to cancel the meeting, but will act to bar attendance by those not disclosed.
- ~~I.J.~~ A grievance may not be presented under this Article which occurred prior to the effective date of this Agreement.
- K. Oregon Tech may deny, with leave to refile within the time limits set forth in this Article, a grievance that is not filed in accordance with this Article.
- ~~J.L.~~ A grievant, or the Association as the case may be, may withdraw a grievance at any time.

Section 4. Presentation of Grievances.

Informal Procedure. Within fifteen (15) business days, the Grievant, or the Association on behalf of the Grievant, shall file the grievance on the Grievance Form, consistent with the requirements of this Article, with the administrator most directly concerned in an attempt to resolve the grievance informally. Upon request of either party, the parties shall meet within ten (10) business days of receipt of the Grievance Form. The administrator shall provide a written response to the party filing the grievance within ten (10) business days of receiving the Grievance Form or conclusion of the meeting if one occurs.

Formal Procedure. If the grievant chooses not to initiate the informal procedure, above, or the matter is not satisfactorily resolved by the informal procedure, the following formal grievance procedure may be invoked. In no event, however, will a grievance be

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presented more than forty (40) business days after the act, omission, or commencement of the condition on which the grievance is based.

Step One: Dean's Level. Within ~~thirty-fourty (340)~~ alendar-business days, the Grievant, or the Association on behalf of the Grievant, shall file the grievance on the Grievance Form consistent with the requirements of this Article with the Dean or Dean's designee.

Upon request of either party, the parties shall meet within ~~fourteen-ten (104)~~ alendar-business days of receipt of the Grievance Form. The Dean or Dean's designee shall send a decision in writing to the party filing the Grievance Form within ~~fourteen-ten (104) ealendar-business~~ days of receiving the Grievance Form or conclusion of the meeting if one occurs. ~~of this meeting, or within fourteen (14) calendar days of receiving the Grievance Form if no meeting is held.~~

Step Two: Provost's Level. If the Grievant is not satisfied with the decision at Step One, a request for review may be filed on the Grievance Review Form with the Provost or Provost's designee within ~~fourteen-ten (104)~~ ealendar-business days of the date of the decision at Step One.

Upon request of either party, the parties shall meet within ~~fourteen-ten (104)~~ alendar-business days of receipt of the Grievance Review Form. The Provost or Provost's designee not hearing the grievance at Step One, shall send a decision in writing to the party filing the Grievance Review Form within ~~fourteen-ten (104)~~ ealendar-business days of receiving the Grievance Review Form or conclusion of the meeting if one occurs. ~~such meeting or within fourteen (14) calendar days of receiving the Grievance Review Form if no meeting is held.~~

Step Three: President's Level. If the Grievant is not satisfied with the decision at Step Two, a request for review may be filed on the Grievance Review Form with the President or President's designee within ~~fourteen-ten (104)~~ ealendar-business days of the date of the decision at Step Two.

Upon request of either party, the parties shall meet with within ~~fourteen-ten (104)~~ alendar-business days of receipt of the Grievance Review Form. The President or President's designee not hearing the grievance at Step One or Two, shall send a decision in writing to the party filing the Grievance Review Form within ~~fourteen-ten (104) ealendar-business~~ days of receiving the Grievance Review Form or conclusion of the meeting if one occurs. ~~such meeting or within fourteen (14) ealendar days of receiving the Grievance Review Form if no meeting is held.~~

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Notice of Intent to Arbitrate. If the ~~G~~grievant is not satisfied with the decision at Step Three, the Association may file a Notice of Intent to Arbitrate form with the President or the President's designee and General Counsel within twenty~~one~~ (20) ~~calendar~~ business days of date of the decision at Step Three.

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GRIEVANCE FORM

Informal Procedure Formal Procedure

Name of Grievant(s): _____

Filed With: _____

Date Grievance Occurred or Discovered: _____
Article(s) Violated: _____
Statement of Grievance (identify the violation, misinterpretation, or improper application of the provisions of this Agreement): _____

<input type="checkbox"/> Continued on separate page(s).
Remedy Requested: _____

Grievant(s) Signature: _____

Grievant(s) Phone: _____ ; Grievant(s) Email: _____

- Self Represented
- Represented by the following Association representative
- I request a meeting.

Representative's Signature: _____

Name: _____

Phone: _____ ; Email: _____

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GRIEVANCE REVIEW FORM

STEP TWO

(Attach the original Grievance Form and decision of Dean or Dean's designee)

- I am not satisfied with the decision at Step One, or Oregon Tech failed to respond in a timely manner at Step One, and I hereby move the grievance to Step Two for review by the Provost or Provost's designee.
- I do not request a meeting. Please issue a written response to this matter within fourteen (14) calendar days from today's date, _____
[Print date].
- I request a meeting. Please schedule a meeting to discuss resolution within fourteen (14) calendar days from today's date, _____ [Print date].

Grievant(s) Signature: _____

- Self Represented
- Represented by the following Association representative

Representative's Signature: _____

Name: _____

STEP THREE
**(Attach the original Grievance Form, and the decision(s) of the
Dean or Dean's designee and/or Provost or Provost's Designee)**

- I am not satisfied with the decision at Step Two, or Oregon Tech failed to respond in a timely manner at Step Two, and I hereby move the grievance to Step Three for review by the President or President's designee.

- I do not request a meeting. Please issue a written response to this matter within fourteen (14) calendar days from today's date, _____
[Print date].

- I request a meeting. Please schedule a meeting to discuss resolution within fourteen (14) calendar days from today's date, _____ [Print date].

Grievant(s) Signature: _____

- Self Represented
- Represented by the following Association representative

Representative's Signature: _____

Name: _____

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NOTICE OF INTENT TO ARBITRATE

The Oregon Tech Chapter of the American Association of University Professors hereby gives notice of its intent to proceed to arbitration concerning the grievance of:

, dated _____ which was not resolved satisfactorily at Step Three of the grievance procedure.

OT-AAUP requests _____ / does not request _____ mediation be pursued in this matter.

Name: _____
Authorized Representative, OT-AAUP

Signature: _____

Date: _____

I hereby authorize OT-AAUP to proceed to arbitration with my grievance. I understand and agree that by filing this notice I hereby waive any rights concerning review by Oregon Tech or judicial review as a contested case under the Administrative Procedures Act (ORS §183) of the decisions rendered at prior steps of the grievance procedure.

Grievant's name: _____

Grievant's signature: _____

Date: _____

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