

GRIEVANCE PROCEDURE

Introduction

The procedures presented here are an attempt to provide mechanisms by which alleged violations of rights, rules or policies in the operation of and the services provided by [Eastern Oregon University](#) may be resolved in an orderly and timely manner.

The University provides the assistance of a grievance counselor to help the individual with a complaint to understand the various procedures and to pursue the most direct channel to be heard and seek satisfactory resolution. Complainants are encouraged to use this assistance during the informal phase of problem solving.

Definition of Terms

A grievance is an assertion that State or Federal laws, Oregon Administrative Rules, University policies, or University procedures have been violated.

Information to be included in a written grievance:

- Date filed
- Grievant's name
- Other parties affected, if any
- Date the grievance occurred
- Statement of grievance
- Respondent, if any
- State or Federal law, [Oregon Administrative Rule](#), University policy or procedure allegedly violated
- Pre-grievance attempts at resolution
- Action proposed by the grievant
- Signature of the grievant
- Signature of the person receiving the grievance (**EITHER THE CHAIR OF THE ASSEMBLY GRIEVANCE COMMITTEE OR THE CHAIR OF THE EOU ASSEMBLY**)

The grievance counselor is the impartial individual appointed by the University to assist the grievant in procedural matters without advocacy for either position. The grievance counselor assists the grievant:

- in pursuing the proper steps of the grievance procedures; and
- in the preparation of the grievance statement.

The grievance counselor may assist both parties as requested by them.

The grievance counselor will also act as a mediator and will attempt to resolve the problem by facilitating discussion between the parties involved in a complaint. The grievance counselor is listed under that title in the Eastern Oregon University Faculty-Staff Directory.

Categories of Grievances

Grievances are categorized below for the purpose of establishing appropriate grievance procedures.

Category 1: Grievances pertaining to employee relations by classified employees and student employees.

- A. Represented employees use their collective bargaining agreement.
- B.

Excluded classified employees and student employees

Step 1 - Immediate Supervisor

Step 2 - Director, School Dean, Manager

Step 3 - President (final decision point for student employees)

- C.

Excluded classified employees

Step 4 - Director of the Department of Administrative Services

Step 5 - Oregon Employment Relations Board

Step 6 - Oregon Court of Appeals

Category 2: Grievances pertaining to employee relations by academic employees

Step 1 - Director, School Dean, Manager

Step 2 - Assembly Grievance Committee **OR CHAIR OF THE EOU ASSEMBLY**

Step 3 - President

Step 4 - Oregon State Board of Higher Education

Category 3: Grievances pertaining to acts of prohibited discrimination in the University's educational programs, including sexual harassment, as defined in Administrative Rules 580-015-0005 to 580-15-165 and Oregon Revised Statutes 659.150 and 659.155. This procedure is not available for claims of discrimination in employment, promotion, tenure, or termination of employment except student employment.

Step 1 - University Compliance Officer

Step 2 - Complainant Distributed by Compliance Officer

Step 3 - Investigation

Step 4 - Chancellor

Category 4: Grievances by students pertaining to courses and grading

Step 1 - **COLLEGE** Dean

Step 2 – **COLLEGE** Grievance Committee

Category 5: Grievances by students pertaining to the satisfaction of graduation requirements, academic probation, or academic suspension

Step 1 - Academic Standards Committee (normal review process)

Step 2 - Formal Hearing before the Academic Standards Committee

Procedures by Category of Grievance

Category 1: Procedures for Complaints Involving Employee Relations - Classified Staff and Student Employees

A.

Classified employees represented by OPEU shall follow the grievance procedures in the OPEU and Higher Education Coalition Collective Bargaining Agreement.

B.

Student employees shall use the following procedures to resolve a complaint or grievance:

Prior to any formal grievance action, every attempt should be made by the individual with the complaint to obtain a satisfactory resolution informally through his/her immediate supervisor.

Step 1. The employee shall present the complaint or grievance orally or in writing to the immediate supervisor within 60 calendar days of the date of its occurrence. The supervisor shall attempt to resolve the matter and report the decision to the employee, orally or in writing, within 15 days of its presentation.

Step 2. In the event the grievance is not settled at Step 1, the appeal must be presented in writing by the employee or his representative to the Director, Dean of **COLLEGE** or Manager responsible for the unit in which the grievant works within 15 days after the supervisor's response is due. The official receiving the written appeal, or a designated representative, shall respond in writing, to the employee within 15 days after receipt of the appeal.

Step 3. An appeal from an unfavorable decision at Step 2 shall be presented by the employee or his representative to the President of the University or his designee within 15 calendar days after the response at Step 2 is received or is

due. The President shall respond in writing to the employee within 15 days after receipt of the appeal.

A discrimination grievance not resolved at the University level, may be appealed in writing to the Civil Rights Division of the Bureau of Labor, alleging that the aggrieved action constitutes a violation of Federal and/or Oregon Laws prohibiting discrimination.

After 15 calendar days, the Director, Department of Administrative Services, shall render a written response within 15 calendar days of the date the appeal was filed in writing with the Director.

The employee may appeal to the Employment Relations Board, in writing, not later than 10 calendar days after receiving written response from the Director of the Department of Administrative Services.

The Employment Relations Board shall, upon receipt of a timely appeal, hold a hearing and make a determination.

The employee or appointing authority may appeal an Employment Relations Board final order to the Court of Appeals within 60 days of the date of the Board's order.

Category 2: Procedures for Complaints Involving Employee Relations - Academic Staff

Prior to any grievance actions, every attempt should be made by the individual with the complaint to obtain a satisfactory resolution informally through his/her immediate supervisor. The supervisor must respond within 15 days of the hearing of a complaint. In the event a complaint cannot be settled informally, employees with academic rank shall use the following procedures to resolve complaints or grievances pertaining to employee relations, for example: salary, promotion, tenure, assignment.

"Grievance" in this case means the assertion by an academic employee that the employee was wronged in connection with compensation, tenure, promotion, or other conditions of employment or that the employee's rights were denied as to reappointment. However, challenges to disciplinary actions or procedures shall be raised under [OAR 580-21-320](#). For further information see: OAR 580-21-050. A grievant entitled to a "contested case hearing" may elect to use the following procedure instead.

Whenever there is not a timely response to a step in the process outlined below, the grievant may pursue an appeal directly at the next step.

Step 1. The academic employee shall reduce the complaint to writing and present the complaint as a grievance to the Director, Dean of **COLLEGE**, or Manager responsible for the unit in which the grievant works within 60 calendar days of the date of the occurrence of the matter causing the grievance. If the grievance is against the Director, Dean of **COLLEGE**, or Manager, the grievant may present the complaint to the Director, Dean of **COLLEGE**, or Manager's

supervisor. The Manager shall attempt to resolve the matter and report the decision to the employee, in writing, within 15 calendar days of its presentation.

Step 2. Submission to the Assembly Grievance Committee **OR CHAIR OF THE EOU ASSEMBLY (WHO WILL FORWARD TO THE ASSEMBLY GRIEVANCE COMMITTEE CHAIRPERSON)** and Action by that Committee

a.

In the event the grievance is not settled at Step 1, an appeal must be presented in writing by the grievant or his representative to the Chairperson of the Assembly Grievance Committee within 15 calendar days after the decision from Step 1 is received or is due. The grievance counselor may assist the grievant in preparing the appeal or in other procedural matters.

b.

At the grievant's option, the appeal may be submitted directly to the President as in Step 3 below.

The deadline for filing appeals in this category which occur during the summer session, when Assembly Committees are not available, may be extended if agreeable to the complainant; or the President may appoint a special grievance committee, on a case basis, upon petition by the grievance counselor. The appointed committee shall include as many regular members as possible.

The **COMPLAINANT MAY** appeal a grievance under this category, **REQUESTING THAT EITHER THE WHOLE GRIEVANCE COMMITTEE OR** the faculty subcommittee, **CONDUCT THE HEARING.** [Note: The faculty subcommittee consists of the instructional and administrative support faculty members of the Assembly Grievance Committee.]

Within 45 calendar days of receipt of the appeal by the Chair of the Assembly Grievance Committee, the **COMMITTEE** shall have a formal hearing of the grievance according to the procedures presented in Appendix A - "Proceedings of Formal Hearing Before the Assembly Grievance Committee."

Within 15 calendar days of the close of the formal hearing, the Committee shall make a statement of the finding of facts, conclusions, and recommendations to the President based upon the hearing record.

Copies of these statements will be sent to the complainant, respondent, and one copy to a grievance file maintained by the **PROVOST'S OFFICE.**

Step 3. The President or his designee shall respond in writing to the grievant within 15 calendar days after receipt of the recommendation from ~~[DELETE " FACULTY SUBCOMMITTEE"]~~the Assembly Grievance Committee. If the President rejects or modifies the recommendation of the **COMMITTEE**, the reasons shall be stated in the response.

Step 4. If after receiving a decision from the President of the University, the grievance is still unresolved, the grievant may appeal the decision of the President to the Oregon State Board of Higher Education pursuant to OAR 580-015-0005 and OAR 580-21-050.

Category 3: Procedures for Complaints or Grievances Pertaining to Acts of Prohibited Discrimination in the University's Educational Program, including Sexual Harassment, as Defined in Oregon Administrative Rules 580-15-0010 to 580-15-0160 and Oregon Revised Statutes 659.150 and 659.155. This procedure is not available for claims of discrimination in employment, promotion, tenure, or termination of employment except student employment.

Step 1. Complaints of prohibited acts of discrimination by any employee or student of the University or any person in the State of Oregon, about Eastern Oregon University, shall be made to the University Compliance Officer. Complaints shall be reduced to writing by the Compliance Officer if not submitted in writing, and signed by the complainant, setting forth the factual basis of the alleged non-compliance, within 180 days from the date of the alleged non-compliance. The University grievance counselor should be consulted by the grievant for assistance in formulating the complaint statement and following up on such complaints. The Compliance Officer may refer complainants to the grievance counselor for the assistance.

Step 2. Upon receipt of the complaint, the Compliance Officer shall promptly cause copies of the complaint to be delivered to the President of the University and to any individual respondents and to the Chancellor of the Department of Higher Education. The Compliance Officer shall retain a copy of the complaint in files established for that purpose.

Step 3. Within 30 days after receipt of the complaint, the University shall complete such investigation of the matter as it deems necessary, order the corrections of any non-compliance that is found to exist or to have occurred and transmit a report of the findings of its investigation and corrective action to the Chancellor, to the complainant and to the University Compliance Officer.

The 30-day period for response may be extended not to exceed another 30 days, upon application by the University to the Chancellor.

Step 4. If the complainant is not satisfied with the report, or no report is made within the time allotted, the complainant may request in writing that a hearing on the complaint be held. The request shall state the grounds upon which the complainant deems the report unsatisfactory. The request shall be filed with the Compliance Officer who shall forward a copy promptly to the Chancellor. Upon receipt of the request, the Chancellor may order the hearing; provided, however, that the Chancellor may review the report and other information presented to him and may then, in his discretion, order that no hearing be held and declare that the action of the institution is satisfactory. The Chancellor's order shall be final. NOTE: Whenever, in the judgment of the Chancellor, an institution or agency fails to conduct a satisfactory investigation, fails to take appropriate corrective action or fails to make reports on complaints within the 30-day period where no extension has been granted or within the period allowed under the extension, the Chancellor shall initiate his own investigation of the complaint.

For information regarding appeals to the Chancellor, and subsequent hearing procedures, refer to Administrative Rules 35.040 - 35.085.

Category 4: Grievances pertaining to courses and grading

The assignment of grades for students' work in a course is at the heart of the faculty member's responsibility. Only the faculty member responsible for a course can judge students' performance in that course. Thus, only the faculty member responsible for a course can assign letter grades (A,B,C,D,F) or recommend changes of letter grades (A,B,C,D,F) approved for the course.

In pursuing a resolution to complaints under category 4, the complainant, prior to any grievance action, must attempt to obtain a satisfactory resolution informally from the individual instructor.

Step 1. If a complaint has not been resolved between the faculty member and student, the student may refer the matter to the Dean of the **COLLEGE** responsible for the course in question. This must occur within one regular term of the term in which the grade was assigned. At this step a written statement of grievance is not required. The Dean of the

COLLEGE shall seek to resolve the matter and will report a decision or resolution to the student within 15 calendar days.

If at that point the student feels that the matter has not been satisfactorily resolved, it may be resubmitted to the Dean as a written grievance. The Dean shall investigate the grievance either directly or by referring it to the **COLLEGE's** Grievance Committee for recommendation.

If the Dean investigates the grievance directly, the Dean will forward a written report to the student and to the Provost within 15 calendar days of receipt of the grievance.

Step 2. If the Dean refers the issue to the **COLLEGE** Grievance Committee for a recommendation, the Committee will conduct an informal fact-finding hearing and within 10 calendar days after the close of the hearing will submit a finding of facts and a recommendation in writing to the **COLLEGE** Dean. In regard to course grades, the Committee may recommend that the grade stand, or that the course and grade be expunged from the student's transcript, or that a letter grade be changed to an S or U depending on which is appropriate based upon the letter grade submitted by the instructor. The Committee may also recommend to the Dean that the instructor make appropriate changes in course requirements, grading procedures or grading practices. Within five days after the receipt of the recommendation from the Committee, the **COLLEGE** Dean will issue a decision on the grievance. Copies of the decision will be sent to the grievant and to the respondent. In any case where the Dean decides that a course and grade shall be expunged from the student's transcript, a recommendation with rationale shall be forwarded by the **COLLEGE** Dean to the Provost who will make a final decision to be reported in writing to all parties.

Proceedings of the Fact-Finding Hearing By a **COLLEGE** Grievance Committee

- Within 10 calendar days of the receipt of the grievance document, the Committee will forward a copy of the grievance document to the respondent and will notify both the grievant and the respondent of the time and place of the opening session. The hearing will begin seven calendar days after the date of notice and no more than 21 calendar days after receipt of the document by the Committee.
- Both the grievant and respondent may be represented by anyone of their choice, at their own expense and may present pertinent written evidence or have witnesses present pertinent facts on their behalf.
- The fact-finding hearing will be informal. No formal minutes will be taken nor will evidence be maintained in files.
- The Committee itself will determine which member shall preside over the hearing. A quorum of 2/3 of the Committee members must be present to conduct the hearing.
- Members of the Committee may ask pertinent questions of either party in the spirit of revealing all facts about the matter and arriving at an equitable solution.
- If subsequent sessions of the hearing are necessary, the time and place of the next sessions will be established prior to the adjournment of the session if possible.

Category 5: Grievances By Students Pertaining to the Satisfaction of Graduation Requirements, Academic Probation, or Academic Suspension

Step 1. The University's Academic Standards Committee should be contacted for any appeals of decisions regarding graduation requirements, academic probation, or academic suspension. The Academic Standards Committee has regular procedures for appeals of such decisions.

Step 2. In the event that students are dissatisfied with the decision of the Academic Standards Committee, the students may request that the Academic Standards Committee hold a formal hearing using the rules described for "[Proceedings of a Formal Hearing Before the Assembly Grievance Committee.](#)"

A.

Within 15 calendar days of receipt of the decision of the Academic Standards Committee under Step 1 the student must file a formal "Statement of Grievance" form with the chair of the Academic Standards Committee.

B.

The formal hearing will be held by the Academic Standards Committee within 30 calendar days of receipt of the "Statement of Grievance" except that the period from June 16 through September 15 shall not be included as part of the calendar since they are not normal parts of the academic year.

C.

Within 15 calendar days of the adjournment of the hearing, the chair of the Academic Standards Committee shall report in writing to the student and to the President of the University the Committee's decision.

[Responsible for Accuracy: [Ken Smith](#), Grievance Counselor - Last Verified: 9/5/00]

From Faculty/Staff Handbook

FORMAL GRIEVANCE HEARING

1. The subcommittee or the full Assembly Grievance Committee, **WHICHEVER IS** chosen by the grievant, shall ascertain the time most convenient for a hearing and shall give all parties at least 15 calendar days written notice of the time, place and nature of the hearing. The time for notice may be shortened or extended by stipulation of all parties.

2.

The hearing may be open to the public at the option of the grievant and to the extent allowed by law. The grievant must request an open hearing in writing to the chairperson of the Committee with a copy to the respondent. The request must be made at the time the grievance is submitted to the Assembly Grievance Committee. The Committee shall decide whether the hearing can be open.

3.

The complainant and respondent must present to the committee a list of the names and addresses of witnesses who have been requested to appear at least five days prior to the hearing.

4.

The committee itself shall determine which members shall preside over the hearing. A quorum of 3/4 of either **THE** subcommittee or **[DELETE 2/3]** of the full Assembly Grievance Committee must be present to conduct the hearing.

a .

Either party to the proceedings may request a member of the committee be disqualified because of bias. This request must be submitted in writing to the chairperson of the Committee no less than 7 calendar days before the scheduled hearing. Disqualification requests will be ruled upon by the Committee.

b.

Any member of the committee **may** withdraw from the proceedings because of personal bias.

c.

The President of the University will appoint the number of replacements required to make a quorum.

5.

Each party shall receive a complete **AUDIO-TAPED** record of the hearing.

6.

The complainant and the respondent may be represented by counsel at their own expense.

7.

The committee shall not be bound to follow court procedures or rules of evidence. At the hearing, the committee shall receive the testimony of witnesses and other evidence concerning any disputed facts.

8.

The complainant and the respondent have the rights to appear, to participate in the hearing and present relevant evidence to the committee. They shall have the right to confront and cross-examine all witnesses and shall be given reasonable opportunity to submit rebuttal testimony or other evidence.

9.

At the conclusion of the testimony, the committee shall permit each side to make an oral summation. When the committee is satisfied that all pertinent and available evidence has been received, the hearing will be adjourned.

10.

ALL DOCUMENTS SUBMITTED TO THE ASSEMBLY GRIEVANCE COMMITTEE AND THE AUDIOTAPES OF THE HEARING(S) WILL BE ARCHIVED IN THE PROVOST'S OFFICE.

[Responsible for Accuracy: [Ken Smith](#), Grievance Counselor - Last Verified: 9/5/00]

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