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OREGON UNIVERSITY SYSTEM, UNIVERSITY OF OREGON

DIVISION 3

GRIEVANCE PROCEDURES

571-003-0000

Introduction

(1) This rule, in compliance with OAR 580-021-0050, describes the general operating procedures for Division 3 rules. Division 3 applies to all University faculty including officers of instruction and officers of administration, Management Service, and student employees not covered by collective bargaining agreements or other grievance procedures officially recognized by the University President:

(a) Faculty employee grievance procedures are outlined in OAR 571-003-0000, 571-003-0001, 571-003-0003, 571-003-0004, 571-003-0005, 571-003-0006, 571-003-0007, 571-003-0015, 571-003-0016, 571-003-0017, and 571-003-0025;

(b) Management Service employee grievance procedures are outlined in OAR 571-003-0020;

(c) Undergraduate and graduate student grievance procedures are outlined in the **Student Handbook** which appears in the University of Oregon Time Schedule.

(2) Grievance procedures for classified employees and graduate teaching fellows who are covered by collective bargaining agreements are set forth in those agreements. Copies of the agreements are available in the Human Resources Office. Appeals from such procedures are governed by the contract, the rules of the appropriate divisions of the Executive Department, the Employment Relations Board of the State of Oregon and state law.

(3) Grievances and complaints by students (not arising under a collective bargaining agreement and not otherwise covered by undergraduate or graduate student grievance procedures) against faculty members arising out of their responsibilities as officers of the institution are within the jurisdiction of the Student-Faculty Committee on Grievances and may be submitted to that body for investigation and consideration pursuant to Faculty Legislation of May, 1972. Upon the request of a student or of the University President, the Student-Faculty Committee on Grievances shall exercise jurisdiction in such grievances or complaints whether or not the grievance arises in an employment relationship. The charge to the committee is included in OAR 571-003-0006.

(4) No grievance procedures described herein shall preclude termination of any grievance proceeding prior to completion of all steps by reason of any mutually acceptable resolution between the parties set forth in writing for the record:

(a) After a timely initial filing, time lines within the grievance procedures of this division may be extended by a signed mutual consent statement;

(b) A grievant shall not institute multiple grievances on the same subject under procedures within this Division;

(c) The grievant shall describe a suggested resolution of the grievance.

(5) University of Oregon employees not covered by the provisions of section (1) of this rule, may invoke the grievance procedures described in OAR 571-003-0005 through 571-003-0017:

(a) Such grievances shall be initiated within 45 calendar days of the time the employee knows or by reasonable diligence should have known, of such act or omission, except:

(A) In cases where the primary basis of the grievance is allegations of prohibited discrimination as defined by OAR 571-003-0025(1)(c), the University will accept such grievance as timely if it is filed within 180 calendar days of the time the employee knows, or by reasonable diligence should have known, of the act or omission alleged to be discriminatory;

(B) The University will accept a grievance alleging discriminatory harassment, including sexual harassment, as timely if it is filed within 365 calendar days of the time the employee knows, or by reasonable diligence should have known, of the act alleged to be discriminatory harassment.

(b) The running of said 45 calendar days shall be suspended for any period during which the employee is not under appointment (including the period between the end of spring term or semester and the beginning of fall term or semester, and sabbatical, or similar periods of leave) at the University and shall resume the day the grievant's appointment recommences. In cases of sabbatical and similar periods of leave the grievance shall be initiated within 60 calendar days after the grievant's appointment recommences;

(c) A grievant alleging prohibited discrimination shall have the longer of either 180 calendar days or the time permitted under subsection (b) of this section in which to make a timely filing of a formal grievance;

(d) A grievant alleging discriminatory harassment, including sexual harassment, shall have the longer of either 365 calendar days or the time permitted under subsection (b) of this section in which to make a timely filing of a formal grievance.

(6) During the period in which a grievance presented in a timely manner is in process, and while the employee is waiting for final disposition by the employer, administrative action shall not be taken to prejudice the position of the employee:

(a) However, the implementation of any administrative action which is the subject of the grievance, including alteration or termination of programs, and reassignment, termination or non-renewal of an employee shall not be deemed a "prejudicial act" for the purposes of this section. If a grievance of the decision disclosed by the timely notice has been timely filed, it shall continue to be processed under these rules regardless of the fact that the grievant may no longer be employed;

(b) Moreover, an individual filing a grievance in good faith or otherwise participating in any of the actions authorized under these grievance rules shall not be subject to reprimand or retaliatory action of any kind by any member of the University community for such filing and participation. If, however, it is determined that a grievant has filed a knowingly false grievance or has acted in bad faith, the grievant may be subject to disciplinary action or a counter-grievance.

(7) If the grievant has filed an administrative claim (under ORS 30.160 et seq.) or has filed a claim with a state or federal anti-discrimination agency or has filed a lawsuit (or has intervened in an EEOC or Oregon Bureau of Labor Office of Civil Rights lawsuit) against the State of Oregon, the Oregon State Board of Higher Education, the University of Oregon, or any of their respective officers or employees arising out of actions, omissions, decisions, events or policies which are the subject of a pending grievance or a grievance contemporaneously presented, the University may, in its sole discretion, decline to continue with or to entertain the grievance.

(8) Unless a grievant has elected in writing a public hearing at Step Two filings, submissions, transcripts, testimony, reports, affidavits, and decisions/responses shall not be available to the public and shall be treated as having been submitted or offered under a promise of confidentiality and/or as personal information the disclosure of which would constitute unreasonable invasion of privacy.

(9) During the course of a grievance, each party shall be responsible for costs of its own representation.

(10) Effective July 1989, the President or the President's designee shall prepare an annual report to the Oregon State Board of Higher Education of the number, bases, and outcomes of all faculty grievances filed under the rules of this Division.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 12(Temp), f. & ef. 12-5-74 through 4-3-75; UOO 13, f. 7-3-75, ef. 7-25-75; UOO 5-1981, f. & ef. 5-6-81; UOO 6-1982, f. & ef. 6-29-82; UOO 4-1988, f. & cert. ef. 5-31-88; UOO 10-1988, f. & cert. ef. 12-6-88; UOO 7-1993, f. & cert. ef. 6-2-93; UOO 1-1994, f. 5-31-94, cert.

ef. 6-3-94

571-003-0001

Faculty Grievance Procedure Definitions

(1) "Grievance" means a complaint by an academic employee that the employee was wronged in connection with compensation, tenure, promotion, or other conditions of employment or the employee's rights were denied as to reappointment.

(2) "Other Conditions of Employment" shall include, but not necessarily be limited to, violations of academic freedom, discriminatory employment practices and nondiscriminatory employment practices, and laws, rules, policies and procedures under which the University of Oregon operates.

(3) "Grievance Counselor" means a person selected to act as grievance representative for a grievant. The Grievance Counselor may be an administrator, faculty member from an appropriate committee, or other person. The Grievance Counselor shall serve without charge.

(4) "Step" means a level at which a grievance may be reviewed, negotiated, resolved, or denied. At the University of Oregon there are three steps in its formal grievance process. There can be one or more steps in its informal grievance process.

(5) "Provost" means the Vice-President for Academic Affairs. When faculty serve within an administrative division headed by a Vice-President other than the Provost, then that Vice-President shall be involved in the grievance processes instead of the Provost.

(6) "Time Limit" means that period of time during which certain processes of the grievance procedure must take place. The first day of a time limit is computed as commencing upon receipt and ending 24 hours thereafter.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 4-1988, f. & cert. ef. 5-31-88

571-003-0003

Faculty Grievance Process Digest

(1) The following outline is provided to assist faculty, both officers of instruction and officers of administration, in determining an appropriate course of action if they are considering whether or not to file a grievance and what type of process best addresses their need. The faculty grievance procedure, promulgated in response to OAR 580-021-0050, may be utilized to hear any complaint by a faculty member in connection with perceived wrongs in compensation, tenure, promotion, or other conditions of employment, or that a faculty member's rights were denied as to reappointment. "Other conditions of employment" shall include, but not be limited to, violations of academic freedom, discriminatory employment practices and nondiscriminatory employment practices, and laws, rules, policies and procedures under which the University operates. Disciplinary sanctions are imposed in accordance with OAR 580-021-0320 and shall not be subject to grievance procedures within this Division.

(2) Informal Grievance Process: Faculty are encouraged to bring complaints to the attention of the University administration at any time so that they may be resolved informally. However, if a faculty member wishes to preserve the right to file a formal grievance under these rules, informal resolution processes must be filed within the time limits set forth in OAR 571-003-0000(5).

(3) Except in cases of alleged discrimination, a response to an informal complaint is due in 15 calendar days. Responses to informal complaints alleging discrimination are due within 30 days. See OAR 571-003-0004 for complete details:

(a) May be handled orally or in writing;

(b) Mediative procedures are those in which the identities of the parties are disclosed;

(c) Educative procedures are those in which the identities of the parties are not disclosed;

(d) Promotion and tenure grievances are to be handled as provided in OAR 571-003-0015.

(4) Formal Grievance Process: Must be filed in writing within the time limits set forth in OAR 571-003-0000(5):

NOTE: Promotion and/or tenure grievances begin at Step Two. See OAR 571-003-0005 and 571-003-0015 for complete details.

- (a) *Step One:* File detailed written statement of grievance including suggested resolution with immediate supervisor of the person(s) causing grievance; or
- (b) Request appropriate Vice-President to appoint a grievance counselor and after consultation with counselor, file grievance;
- (c) When the grievance is based on promotion, tenure, or retention and the grievant has elected the formal process, the Provost (or appropriate Vice-President) shall start the grievance process at Step Two. All other types of formal grievances start at Step One;
- (d) Step One response is due in writing 20 calendar days from receipt by respondent, except in cases alleging prohibited discrimination in which case the response is due within 30 days of the filing of the complaint;
- (e) If Step One response is unsatisfactory or is not received within time limit, grievant wishing to do so may file written grievance at Step Two;
- (f) *Step Two:* Filing at Step Two must be completed within 15 calendar days of the end of Step One. Step Two offers three options: Hearing by either of two faculty committees, or review by the appropriate administrator:
- (A) The committee option permits the grievant to file with either the Grievance Appeal Committee, or Promotion/Tenure/ Retention Appeal Committee, depending on subject matter; the committee acts within a 60 calendar day period, giving all parties at least ten calendar days notice of hearing and access to all documentary evidence received not later than five calendar days before the hearing;
- (B) The grievant may elect to have the Step Two investigation and decision made by the appropriate Vice-President (i.e., the one under whom the grievant serves) instead of having a hearing before either of the two faculty committees.
- (g) If Step Two response is unsatisfactory or is not received within the stated time limit, grievant wishing to do so may file written grievance at Step Three;
- (h) *Step Three:* Filing at Step Three must be completed within 20 calendar days of the end of Step Two. The written grievance shall be filed with the President of the University;
- (i) The President (or the President's designee) shall decide the grievance and shall prepare findings of fact and conclusions based on those findings within 20 calendar days of receipt of the grievance, and shall render the final decision to the grievant in writing;
- (j) Step Three ends the University appeal process. Decisions of the President are appealable only to the Oregon State Board of Higher Education. (See OAR 580-021-0050 and/or 580-021-0055.)

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 4-1988, f. & cert. ef. 5-31-88; UOO 7-1993, f. & cert. ef. 6-2-93

571-003-0004

Faculty Informal Grievance Procedure

(1) The University administration encourages faculty, both officers of instruction and officers of administration, whenever possible to use the informal approach to resolving complaints and grievances. However, the decision of whether or not to use informal procedures is solely that of the grievant. There is no requirement that informal procedures be attempted or exhausted as a prerequisite to invocation of formal procedures nor is there any need to elect between informal or formal procedures other than the need to timely file the formal procedure. If the grievant intends to pursue informal procedures the informal mode best suited to the nature of the complaint should be selected. Responsibility for initiating grievance resolution shall be with the grievant.

(2) If the grievant wishes to invoke the formal process, the grievant must do so within the time limits set forth in OAR 571-003-0000(5), regardless of whether informal resolution is attempted or achieved. The days used in the informal process shall count in the computation of the applicable time limit within which formal grievances shall be filed. The appropriate Vice-President may waive the timely filing requirement at the request of the grievant if the grievant is currently pursuing resolution under this informal procedure and it appears that additional time (without a concurrent formal proceeding) would be beneficial. Such waiver shall

be in writing and must issue before the applicable time limit has run.

(3) Generally, informal grievances are handled through discussion. Although not required:

(a) Brief, dated and signed statements may be prepared by the parties to facilitate discussion;

(b) A dated, written statement of resolution may be signed by the parties;

(c) Separate, dated, written statements summarizing the unreconciled differences, respondent's position and/or unaccepted counter proposal may be signed for entry into the record of the formal grievance procedure.

(4) Possible informal approaches include:

(a) The grievant meets privately with the person(s) alleged to have caused the grievance. Through discussion, the parties to the matter attempt to reconcile differences and to reach a reasonable resolution; or

(b) Grievant requests an administrator in the same administrative area, if possible the one to whom the grievant and the individual complained about both report, to consider the complaint and to attempt to effect a mutually satisfactory resolution; or

(c) Grievant, through the appropriate Vice-President, shall request to have a member of the Grievance Appeal Committee, of the grievant's choice, consider the complaint and attempt to effect a mutually satisfactory resolution; or

(d) When the matter is related to prohibited discrimination, including sexual harassment, the grievant may request the Office of Affirmative Action to initiate informal mediation (identity disclosed) or education (identity concealed) efforts. A University employee receiving an informal complaint alleging prohibited discrimination including sexual harassment shall report that fact to the Office of Affirmative Action and follow the applicable procedures described in OAR 571-003-0025(5);

(e) The grievant may present the complaint to the Student-Faculty Committee on Grievances (see OAR 571-003-0000(3) and 571-003-0006). Except as waived by a Vice-President (see section (2) of this rule) the time consumed by this committee's handling of the grievance shall not suspend the running of the applicable time limitations for filing a formal grievance;

(f) For grievances concerning promotion and/or tenure decision, the only possible informal procedures are specified in OAR 571-003-0015 and, for grieved decisions denying promotion or tenure but not resulting in terminal notice, the informal review shall parallel the procedures described in OAR 571-003-0015.

(5) If informal resolution involving a Grievance Appeal Committee member is unsuccessful and if a formal grievance is filed, unless the grievant and the grieved-against individual both request to the contrary, the member of the Grievance Appeal Committee who participated in the informal grievance process shall not participate as a member of the Grievance Appeal Committee at Step Two.

(6) Informal grievances shall receive a response within 15 calendar days of submission, except those grievances which allege prohibited discrimination including sexual harassment which shall receive a response within 30 days. With regard to the Student-Faculty Committee on Grievances, "submission" shall mean the time at which the parties have presented their respective cases to the committee.

(7) In cases of informal challenges to promotion and tenure decisions under OAR 571-003-0005 or 571-003-0016, the grievant may apply in writing to the appropriate Vice-President for the appointment of a Grievance Counselor to represent the grievant at no charge. The grievant may provide the Vice-President with a list of three possible Grievance Counselors or may ask the Vice-President to suggest a list of three from which the grievant may select one. In general the Grievance Counselor shall provide aid and assistance to the grievant. This shall include but is not limited to, providing information about the various steps in the grievance procedure, representing the grievant before appropriate committees or administrators, enlisting the aid of the Affirmative Action Office if appropriate, or other aid.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 4-1988, f. & cert. ef. 5-31-88; UOO 14-1988, f. & cert. ef. 12-28-88; UOO 7-1993, f. & cert. ef. 6-2-93

571-003-0005

Faculty Formal Grievance Procedure

(1) *Step One*: The grievant shall present the individual(s) against whom the grievance is filed and the immediate supervisor of the person grieved against with a written statement describing as precisely as possible what the grievance is about, including who or what caused the situation, what happened, and if applicable, where, why, when, and how the situation occurred and identifying any rule, policy, or procedure alleged to have been violated or misapplied. A list of witnesses, if applicable, shall be provided. A suggested resolution shall be described. The grievance statement shall be signed and dated and it shall include the grievant's campus address and campus and home telephone numbers. If the informal process has been used, a brief description of it shall be provided along with any documentary exhibits that may have been developed. A copy of the grievance statement shall be sent contemporaneously by the grievant to the President's Office. If the grievance involves illegal discrimination, a copy shall also be sent by the grievant to the Office of Affirmative Action. Grievants seeking to grieve promotion and/or tenure decisions formally begin at Step Two, after consultation with the Provost (or appropriate Vice-President). Time lines and details are specified in OAR 571-003-0015:

(a) The grievant may apply in writing to the appropriate Vice-President for the appointment of a Grievance Counselor to represent the grievant at no charge. The grievant may provide the Vice-President with a list of three possible Grievance Counselors or may ask the Vice-President to suggest a list of three from which the grievant may select one. In general the Grievance Counselor shall provide aid and assistance to the grievant. This shall include, but is not limited to, providing information about the various steps in the grievance procedure, representing the grievant before appropriate committees or administrators, enlisting the aid of the Affirmative Action Office if appropriate, or other aid. The Grievance Counselor shall not act as arbitrator of the grievance while acting on behalf of the grievant;

(b) The Step One decision-maker shall require a written memorandum from the grieved-against individual to offer that person's position on the matter;

(c) The immediate supervisor of the person grieved-against to whom the grievance is directed shall send a written response to the grievant and the grieved-against individual no later than 20 calendar days from the day the grievance is received, except in cases of alleged discrimination, including sexual harassment, in which case the written response is due no later than 30 days from receiving the grievance. In cases of alleged discrimination, including sexual harassment, the Step One decision-maker shall contact the Office of Affirmative Action and utilize the services of that office as appropriate to investigate the complaint. The response shall either resolve the grievance to the satisfaction of the grievant, or provide such relief as appears appropriate following examination of relevant facts, or shall state why the grievance is not deemed to be valid or why the relief requested in the grievance is not appropriate.

(2) *Step Two*:

(a) If the grievance is not resolved at Step One to the satisfaction of the grievant or if the respondent at Step One fails to respond in timely fashion, the grievant may appeal by filing the written grievance and all relevant documents and materials developed during Step One with one of the following committees as appropriate within 15 calendar days after the end of Step One:

(A) Grievance Appeal Committee for all grievances not within the jurisdiction of the Pro-motion/Tenure/Retention Appeal Committee; or the

(B) Promotion/Tenure/Retention Appeal Committee which shall consider only formal grievances concerning denial of promotion or denial of tenure (or denial of both) or failure to renew an appointment in violation of the OAR 571-003 grievant's rights.

(b) The appropriate committee shall entertain appeals directed to it within the following constraints:

(A) The statement of appeal shall be in writing (see section (1) of this rule for details) and shall include the response at Step One and any arguments the grievant wishes to make about the Step One response;

(B) All documentary evidence received shall be identified, marked, and indexed in the record;

(C) The grievant and the University and/or complained-against person(s) shall have full access to the record (as it exists at any given time) and to tape recordings of the testimony received;

(D) Live testimony shall be taken at a duly-noticed hearing. Clarifying questioning is to be by the committee only;

(E) The grievant shall be given the maximum possible (but in no case less than ten calendar days) advance notice of the initial hearing date, place, and time;

(F) The grievant and the University and/or the complained-against person(s) shall be allowed to present documentary evidence (including affidavits or signed declarations), demonstrative

evidence and/or live testimony;

(G) The committee shall inform the grievant and the grieved-against individual no less than five calendar days in advance of any hearing of all documentary evidence received by it at the time of said notice. Such evidence shall be identified by reference to source, date, and, generally, content. The grievant and the grieved-against individual shall also be told how to acquire copies of such evidence before the hearing;

(H) The grievant shall have the right of the assistance of a University-appointed Grievance Counselor, the grieved-against individual(s) shall have the right of the assistance of a University-appointed Grievance Counselor or the grievant, University and/or complained-against person(s) shall have the right to an advocate (attorney or otherwise) at their respective expense;

(I) The grievant and the University and/or the complained-against person(s) shall be allowed to make introductory statements, to argue and summarize the presentation at a conclusion of receiving evidence, and shall be afforded an opportunity to rebut or explain new evidence or testimony; written presentations are to be encouraged over oral presentations; and if a party wishes an attorney to be involved, the attorney is permitted to develop written submissions;

(J) Live testimony shall be tape-recorded. There shall be no obligation on the committee to transcribe the tape, but copies of the tape shall be made available to any party to the grievance at the cost of reproduction and a pro rata share (among those requesting copies) of transcription;

(K) Hearings shall be open to the public (to the extent allowed by law) at the option of the grievant; however, the deliberations of the Committee shall be closed to all, including the grievant and the grieved-against individual(s);

(L) The Committee shall make its conclusions and recommendation solely upon evidence received in the record and shall, where practicable, cite specific evidence to support its resolution of disputed issues of fact;

(M) The committee shall formulate its conclusions and recommendations within 60 calendar days of receipt of the appeal;

(N) The proceedings of the committee (or any other step of this grievance procedure) shall not be deemed the handling of a contested case. If a grievant is otherwise entitled to a contested case proceeding, but wishes to have the grievance handled under subsection (2)(b) of this rule, the grievant shall waive in writing the use of contested case procedures. If a grievant is otherwise entitled to a contested-case proceeding, and does not file such a waiver, the provisions of OAR Chapter 571, Division 2 shall govern to the extent applicable.

(c) No grievance shall be denied at Step Two under section (2) of this rule without prior consultation between the chair of the committee to whom the grievance is directed and the Vice-President of the Division.

(3) In lieu of an appeal to the committees specified in paragraphs (2)(a)(A) and (B) of this rule, the grievant may appeal by filing the written grievance and all relevant documents and materials developed during Step One with the appropriate Vice-President for Step Two consideration:

(a) The Vice-President may use staff for investigatory support and shall have the authority to request information and testimony beyond that presented by the grievant or by the disposition at Step One. The Vice-President shall render a decision in writing and shall base the resolution upon relevant, undisputed facts and upon such relevant disputed facts as are determined. Sources of data or evidence or documents relied upon shall be identified;

(b) The Vice-President's decision shall be rendered within 30 calendar days of receipt of the grievance. Copies shall be sent promptly to the grievant and the grieved-against individual.

(4) If the grievant or the grieved-against person is not satisfied with the resolution recommended by the committee under subsection (2)(a) or (b) of this rule or with the decision reached by the Vice-President under section (3) of this rule, the appellant may appeal to the University President within ten calendar days after receipt of the Step Two disposition.

(5) *Step Three:* The President (or the President's designee) shall review the recommendation of the Committee or the decision of the Vice-President:

(a) The President shall be free to seek additional or clarifying evidence. However, to the extent the President obtains such further evidence and deems such evidence to be meaningful and likely to influence the presidential decision, the President (or designee) shall notify the grievant and the grieved-against party of the receipt of such evidence and shall afford such persons access to the evidence and an opportunity to respond if they desire (with contemporaneous copies to all parties). In cases involving alleged prohibited discrimination, the President shall consult with the Director of the Office of Affirmative Action;

(b) The President (or designee) shall issue a written decision which shall include findings of fact. If the President's (or designee's) decision modifies or rejects the Step Two action, the areas of modification or rejection shall be identified and the reasons for such changes shall be stated in the decision;

(c) The decision shall be rendered within 20 calendar days of the receipt of the Step Three appeal and shall be sent to the grievant and OAR 571-003 grieved-against party upon issuance.

(6) There shall be no further appeal within the University from the President's decision. Decisions of the President are appealable within the State System of Higher Education only pursuant to the provisions of the Oregon State Board of Higher Education Administrative Rules.

(7) If a response is not made within the prescribed time, the decision at the previous step (or status quo if it is the Step One response which is overdue) shall be deemed affirmed for the purposes of giving the grievant the option of appealing to the next higher step.

(8) Failure to appeal the grievance in timely fashion shall be deemed as acceptance of the result at the previous step, i.e., if the grievant does not appeal the Step One decision, it shall stand resolved and if neither party appeals the Step Two decision, it shall stand resolved.

(9) The grievant and administrator or committee responsible for rendering the decision in any given step may agree in writing to an extension of either the appeal or the response time. Such extensions shall not apply to or in any way suspend the running of any state or federal limitations or charge-filing periods (these are mandatory time lines) for grievances alleging illegal discrimination.

(10) In the event that it shall prove impossible to convene a Faculty Grievance Committee during summer term, the grievant and administrator or committee involved shall mutually agree to extend the response time into the following fall term.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 12(Temp), f. & ef. 12-5-74 through 4-3-75; UOO 13, f. 7-3-75, ef. 7-25-75; UOO 5-1981, f. & ef. 5-6-81; UOO 7-1982, f. & ef. 6-29-82; UOO 4-1988, f. & cert. ef. 5-31-88; UOO 7-1993, f. & cert. ef. 6-2-93

571-003-0006

Student-Faculty Committee on Grievances

(1) The Student-Faculty Committee on Grievances shall be composed of an equal number of students and faculty appointed by the President. It shall make itself readily accessible to all members of the University community, and shall determine in each case whether a particular grievance falls within its jurisdiction (in cases where the Committee determines it has no jurisdiction, it may choose to recommend an alternate procedure consistent with other rules within Division 3):

(a) The charge to the Committee shall be to receive complaints or grievances against faculty, either officers of instruction or officers of administration, arising out of their responsibilities as officers of the institution; and

(b) To investigate and review these complaints or grievances on an informal manner, affording full opportunity to the concerned parties to be heard; and

(c) To attempt to resolve differences or adjust grievances in an amicable fashion consistent with the understanding of the parties and the best interests of the University; and

(d) To issue such findings and recommendations (furnishing copies to the persons concerned) to either the President (if the grievance was initiated by a faculty member) or the appropriate Vice-President (if the grievance was initiated by a student) as appear appropriate under the circumstances;

(e) Referral to the Committee shall not suspend any applicable grievance time lines.

(2) By filing a complaint under any grievance rule and bringing it before this Committee, an aggrieved person authorizes the Committee to inquire into the matter as necessary to discover the applicable facts and to communicate as specified in this rule, its findings, recommendations and reasons to the concerned parties.

(3) Grievances Filed by Faculty: Faculty, officers of instruction or officers of administration, may present grievances to the Student-Faculty Committee on Grievances:

- (a) Consideration by the Committee is an informal process only for addressing faculty complaints or grievances;
- (b) The President is in no way obliged to act on the Committee's recommendations or to be further involved;
- (c) The Committee shall render its grievance recommendation in writing within 15 calendar days of consideration of the complaint or grievance. "Consideration" shall mean the time at which the parties have presented their respective cases to the Committee.
- (4) Grievances Filed by Students: Under the formal student grievance process at Step Two described in OAR 571-003-0115(3)(a), students with grievances against faculty arising out of their responsibilities as officers of the institution may present grievances to the Student Faculty Committee on Grievances:
- (a) Referral to the Committee shall be consistent with grievance time lines stated in OAR 571-003-0110(2) in the case of student originated grievances. The Committee shall render its recommendations in writing within 15 calendar days of its consideration of the grievance. "Consideration" shall mean the time at which the parties have presented their respective cases to the Committee. The Committee shall make good faith efforts to complete its review within 30 days of a party's presenting a grievance to it;
- (b) The Committee shall present its report to the parties to the grievance and to the appropriate Vice-President. The report shall include the Committee's findings of fact, a recitation of applicable policy and its recommendations for action. If the parties and the Vice President accept the committee's recommendation, it shall be implemented and the grievance shall be considered resolved;
- (c) The Vice President may accept or reject the Committee's recommendation or may request further investigation and reconsideration by the Committee;
- (d) Any party to the grievance may accept or reject the Committee's recommendation or the Vice President's action by appealing to Step Three of the student grievance process (OAR 571-003-0115(4) et seq.).

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 4-1988, f. & cert. ef. 5-31-88; UOO 4-1990(Temp), f. & cert. ef. 2-20-90, UOO 1-1991, f. & cert. ef. 1-14-91

571-003-0007

Composition of Faculty Grievance Appeal Committees

- (1) The faculty grievance procedure described in OAR 571-003-0005 calls for two elected faculty grievance committees to be available to consider appeals at Step Two. These committees have been established by Faculty Legislation.
- (2) The Grievance Appeal Committee shall hear, on request of the faculty member grieving at Step Two, all grievances excepting those concerning denial of promotion, denial of tenure (or denial of both), or failure to renew an appointment in violation of the grievant's rights:
- (a) The committee shall have its five members elected by the non-students eligible to vote at meetings of the University Assembly;
- (b) Committee members shall be unclassified academic employees with faculty rank. The Committee on Committees shall insure a slate of at least two candidates each year for each open position. Candidates may also be nominated by petition which must be signed by at least ten valid signatures of voting faculty. Petitions shall be distributed by the Secretary of the Faculty. Ballots shall contain candidates nominated by the Committee on Committees and those nominated by petition;
- (c) Members of the Grievance Appeal Committee may not serve successive terms;
- (d) At the time of the first election, by lot one member shall be elected for a one-year term, two for a two-year term, and two for a three-year term. Thereafter, as terms expire, new members shall be elected to three-year terms;
- (e) In conducting its business, the Grievance Appeal Committee shall follow the rules of procedure as set forth in OAR 571-003-0005(2), (7), (8), and (9). The committee shall elect its own chair annually.
- (3) The Promotion/Tenure/Retention Appeal Committee shall hear, at the request of the grieving

faculty member at Step Two, all grievances concerning denial of promotion or denial of tenure (or denial of both), or failure to renew an appointment in violation of the grievant's rights:

(a) The committee shall have its three members, all of whom must be tenured, elected by the non-students eligible to vote at meetings of the University Assembly. Current Deans and Department Heads shall not be eligible to serve. The committee shall consist of one representative from the College of Arts and Sciences, one from the professional schools and one at large. Nominees, none of whom may be from the same department, shall be persons who previously have been elected to serve (and have served) on the Faculty Personnel Committee, with the following exceptions;

(b) No one may serve simultaneously on the Faculty Personnel Committee and the Promotion/Tenure/Retention Appeals Committee;

(c) Any member who served on the Faculty Personnel Committee or the College Personnel Committee, or who participated in the departmental vote when the grieved action or decision (or informal reviews thereof) occurred must be excused from hearing such an appeal but shall otherwise continue to serve on this committee;

(d) Members of the committee may not serve successive terms;

(e) If any one (or more) member(s) is disqualified under subsection (c) of this section, the fourth and subsequent candidate(s) in the election for the committee shall be asked to serve in place of the disqualified member(s);

(f) The Committee on Committees shall insure a slate of at least two candidates for each open position each year. The candidates shall otherwise be qualified and shall be chosen to insure the division of membership specified in section (1) of this rule;

(g) Candidates may also be nominated by petition. A petition with ten valid signatures of voting faculty shall place those candidates nominated by the petition on the ballot. Petitions shall be distributed by the Secretary of the Faculty and shall specify whether they are for candidates to represent the College of Arts and Sciences or the Professional Schools and Colleges or the at-large position;

(h) Separate ballots shall be prepared for the candidates from the College of Arts and Sciences and the Professional Schools and Colleges. The ballots shall list the candidates nominated by the Committee on Committees and those nominated by petition. All ballots shall be circulated to all voting faculty members;

(i) All members shall be elected to serve staggered three-year terms. At the time of the first election, the person receiving the third highest number of votes shall fill the at large position. The one-, two- and three-year terms of service shall be made by lot. Thereafter, one person shall be elected each year for a three-year term as determined by the original lot, except for those elected to fill vacancies of unexpired terms;

(j) In conducting its business, the committee shall follow the rules of procedure as set out in OAR 571-003-0005(2), (7), (8), and (9) and 571-003-0015(2)(b) through (e);

(k) The Committee shall elect its own chair annually;

(l) The grievant may make a peremptory challenge of one member of the Committee. That member shall be replaced by one selected to serve pro tem by the grievant from a list proposed by the Faculty Advisory Council of three tenured candidates (except that for grievants who are officers of administration non-tenured faculty may be listed).

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 4-1988, f. & cert. ef. 5-31-88

571-003-0015

Appeal of Failure to Grant Promotion or Tenure When Such Decision Results in Terminal Notice

(1) Appeal of the decision to deny promotion or tenure which results in terminal notice shall be directed by the appellant in writing to the Provost within 90 days of actual receipt of terminal notice. If the candidate is outside of the United States at the date of receipt, the period for filing an appeal shall be extended to 60 days after the candidate first thereafter returns to the State of Oregon. Under Oregon State Board of Higher Education rules, grievants/appellants are entitled to have their complaints considered either informally or formally, but not both. The Provost or appropriate Vice-President shall refer the appeal to the Faculty Personnel Committee or to the appropriate College or School promotion and tenure committee (informal procedure) unless the candidate and the Vice-President agree that it would more appropriately be referred to the

Promotion/Tenure/Retention Appeal Committee (formal procedure) for its recommendation. In making decisions under this rule, the Vice-President shall exercise authority hereby delegated from the President.

(2) Appeals made under section (1) of this rule and referred by the Provost to the Faculty Personnel Committee or the College or School Promotion and Tenure Committee shall constitute the institution's informal procedures and be considered in the following manner:

(a) The review will take the form of a reconsideration by a panel (with a minimum of three members) of the Faculty Personnel Committee. Reconsideration shall be conducted for the Faculty Personnel Committee by a panel of the Committee or the college or school committee which does not include members who served during the year in which the case was previously reviewed. The informal process is advisory to the Provost and the results of the reconsideration will be presented as recommendations to the Provost;

(b) The purpose of the reconsideration shall be to make an evaluation of the fairness and reliability of the decision-making process. This reconsideration involves:

(A) Determination of whether errors of fact existed;

(B) Determination of whether relevant evidence was unavailable, disregarded or overlooked; and

(C) Determination of whether the decision was in any way arbitrary or capricious or whether it had a significant foundation in fact on which to justify the original evaluative judgments and recommendations.

(c) Should the panel of the Faculty Personnel Committee conclude that prejudicially erroneous facts were utilized or that relevant evidence capable of reversing the appraisal was rejected, overlooked, or previously unavailable, or that the original judgment was arbitrary and capricious, or prohibited by law, or that the decision was otherwise unwarranted for lack of any significant factual foundation, it shall so advise the Provost, Dean, and Department Head to reconsider the original recommendations with respect to the case;

(d) The appellant can review that part of the appellant's file which is open and will receive a substantive abstract of any closed part of the file. A proper abstract of the file is interpreted to mean document-by-document, not a general summary, with the condition that editing and abstracting will maintain the confidentiality of sources who submitted their evaluations with assurance of confidentiality in accordance with any earlier waiver of the appellant's right to have the University use no confidential sources. The OAR abstract shall be prepared by an officer from the Office of the Vice-President for Academic Affairs and Provost and a member of the Faculty Personnel Committee;

(e) Reconsideration by the Promotion/Tenure/ Retention Appeal Committee is a formal grievance procedure which begins at Step Two and proceeds under OAR 571-003-0005(2)(a). Neither method of review nor the underlying grievance is defined as a contested case under ORS 183.310(2) or OAR 580-021-0400. Prior to the reconsideration, the appellant shall be given appropriate notice that if the appellant so chooses, the appellant has the opportunity to introduce information which is new or hitherto unavailable or overlooked by the Faculty Personnel Committee, to review the open portion of the file and the abstracts and summaries and to make a personal presentation on the grounds set forth in subsection (2)(b) of this rule. There is no requirement or expectation of formal public hearings with counsel in the informal reconsideration.

(3) When appeals made under section (1) of this rule are referred to the Promotion/Tenure /Retention Appeal Committee, the same standards and procedures as are outlined in subsection (2)(b) through (e) of this rule shall be followed in addition to the procedures specified in OAR 571-003-0005(2)(b). Either type of committee referred to in this section shall exclude faculty members who served on the Faculty (or College) Personnel Committee in the year in which the case was reviewed by that Committee.

(4) An appeal of a Promotion/Tenure/Retention Appeal Committee decision may be made to the President. An appeal to the President shall be directed by the appellant in writing to the President within ten calendar days of the receipt of Promotion/Tenure/Retention Appeal Committee's decision. The President shall notify the appellant of the President's final decision within 20 calendar days of the receipt of the appellant's written appeal. There shall be no further appeal within the institution of the President's decision.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 12(Temp), f. & ef. 12-5-74 - 4-3-75; UOO 13, f. 7-3-75, ef. 7-25-75; UOO 12-1981(Temp), f. & ef. 8-5-81; UOO 8-1982, f. & ef. 6-29-82; UOO 4-1987, f. & ef. 12-18-87; UOO 4-1988, f. & cert. ef. 5-31-88; UOO 11-1988, f. & cert. ef. 12-6-88

571-003-0016**Appeal of Non-Terminal Denial of Promotion or Tenure**

(1) This rule applies to appeals concerning denial of promotion or tenure where such decision does not result in terminal notice.

(2) Decisions respecting academic or professional performance of officers of instruction are based on the evaluative judgment of peers. These judgments are entrusted to the academic peer group. Denial of promotion or tenure may be challenged informally or formally (but not both), under the procedure and standards provided in OAR 571-003-0015. Because the grievant in such situations has not received a terminal notice, the question of whether the grievant deserves promotion and tenure will be decided in the following academic year by the Faculty Personnel Committee if the candidate requests that the case be resubmitted. Requests for such consideration shall be made in writing addressed to the Provost. Upon such reconsideration, the file may be augmented by all parties involved. Such further consideration will lead to a recommendation to the Provost for further action.

(3) Appeals concerning denial of promotion for officers of administration which do not result in terminal notice may be challenged informally or formally (but not both) under the procedure and standards provided in OAR 571-003-0015(2)(b) through (d) by filing a written appeal with the appropriate Vice-President.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 9-1982, f. & ef. 6-29-82; UOO 5-1987, f. & ef. 12-18-87; UOO 4-1988, f. & cert. ef. 5-31-88; UOO 12-1988, f. & cert. ef. 12-6-88

571-003-0017**Non-Renewal of a Fixed-Term or Annual Appointment**

Non-renewal of a fixed-term or annual appointment of an officer of instruction or administration in other than a promotion and tenure case (e.g., other than terminal notice during the seventh year) will be grievable only to the extent that a property right in such a reappointment has been violated or if prohibited discrimination is alleged to have been a factor in non-reappointment. In such cases, the procedures of OAR 571-003-0005 shall govern.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 9-1982, f. & ef. 6-29-82; UOO 4-1988, f. & cert. ef. 5-31-88

571-003-0020**Management Service Grievance Procedures**

(1) A Management Service employee who believes an assignment, reassignment, transfer, or removal due to reorganization or lack of work, or a disciplinary action, i.e., removal from Management Service, dismissal, reduction in pay, demotion or suspension, is arbitrary or contrary to law, rule, or policy or taken for political reasons may file a grievance under this rule.

(2) A grievance filed under this rule shall be initiated within 30 calendar days of the time the grievant knows or by reasonable diligence should have known of the action grieved.

EXCEPTION: Disciplinary actions must be grieved within ten days.

(3) Management Service grievants may choose to represent themselves or to be represented by personally retained legal counsel during the grievance process. That decision shall be made prior to initiating the grievance process:

(a) Should the grievant choose to be represented by legal counsel, such representation shall be retained at the grievant's expense;

(b) Management Service grievants may not be represented by labor organizations;

(c) If the grievant needs assistance in either obtaining a typescript of the grievance statement or obtaining photocopies of related documents, such service shall be rendered by the Office of Human Resources. No charge shall be made for either the first ten typed pages or first ten photocopies.

(4) *Step One:* The grievant should first discuss the grievance in person with the immediate

supervisor. To facilitate this discussion, the complaint shall be described in writing. A copy of this document shall be given to the supervisor at the time of the meeting:

- (a) The written grievance shall be specific describing in detail the action taken and how that action was arbitrary or contrary to law, rule, or policy or was taken for political reasons;
 - (b) The written grievance shall contain a statement of the result, resolution, or remedy expected to resolve the grievance. It shall identify the name, address and telephone number of legal counsel, if any, or state the grievant will be self-represented;
 - (c) The supervisor shall respond in writing within seven calendar days of receipt of the written grievance;
 - (d) Copies of the grievance and any response shall be filed immediately by the supervisor with the Director of Human Resources.
- (5) *Step Two:* If the grievance is not resolved after the discussion with the supervisor, or the supervisor fails to respond within seven calendar days of receipt of the grievance, the grievant may file the written grievance with the Dean or Director of the unit in which the grievant works within seven calendar days of the supervisor's response or the last day on which such response should have been received:

- (a) The Dean or Director shall respond in writing within seven calendar days of receipt of the written grievance;
 - (b) A copy of the Step Two response shall be filed immediately by the Dean or Director with the Director of Human Resources.
- (6) *Step Three:* If the grievance is not resolved at Step Two, or the Dean or Director fails to respond within seven calendar days, the grievant may file the grievance and all related documents with the President within seven calendar days of receipt of the Step Two response or the last day such response was due:

- (a) The President or the President's designee shall conduct an inquiry into the grievance. The findings shall be rendered in writing and sent to the grievant and/or the grievant's representative no later than the 15th calendar day after receipt of the grievance;
- (b) A copy of these findings shall be filed with the Director of Human Resources when they are sent to the grievant or the grievant's representative.

(7) *Step Four:* If the grievance is not resolved at Step Three, the grievant may appeal to the Director of the Executive Department. Grievances carried beyond the University process are governed by State Personnel Division and Employment Relations Board policies.

(8) Disciplinary actions may be appealed directly to the President at Step Three. Such appeal must be made within ten calendar days from the effective date of the action which prompted the grievance. The process outlined in subsection (6)(a) of this rule shall be followed.

(9) Management Service employees' grievances related to discrimination proscribed by statute or rule shall be initiated within the time frames specified in OAR 571-003-0000(5)(a)(A) and (B), (5)(b) - (d). In such cases, at Step One above, the provisions of OAR 571-003-0005(1)(c) shall also apply. Any illegal discrimination grievance not resolved at the University level may be filed with the Civil Rights Division of the Oregon Bureau of Labor and Industries or the United States Equal Employment Opportunity Commission.

(10) Time limits specified in this procedure must be observed unless either party requests a specific time extension, which, if mutually agreed to, must be stipulated in writing and shall become part of the grievance record.

(11) If at any step in this grievance process the grievant does not appeal in timely fashion to the next step, the grievance shall be regarded as having been resolved. Failure of the grievant to perfect a timely further appeal shall constitute a failure to exhaust administrative remedies.

(12) Management Service employees shall not be subject to reprisal for use of or participation in the grievance procedure.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 14-1981(Temp), f. & ef. 10-28-81; UOO 1-1982, f. & ef. 1-18-82; UOO 5-1985, f. & ef. 12-31-85; UOO 3-1995, f. 6-12-95, cert. ef. 6-15-95

571-003-0025

Prohibited Discrimination, Discriminatory Harassment, and Sexual Harassment

Using arbitrary or capricious grounds to make available or to deny educational or professional opportunity to other members of the University community is unprofessional conduct and may constitute prohibited discrimination under the University's and the Oregon State Board of Higher Education's rules. Prohibited discrimination including discriminatory harassment and sexual harassment of students, faculty, or staff by other members of the University community is prohibited both by law and this rule. Unwelcome sexual activity by persons abusing positions of economic, supervisory, or academic power is inherently oppressive. Discriminatory harassment, including sexual harassment, regardless of the relative power of the harasser, is disruptive of the workplace and campus life, and it acts to deny its object equal opportunity as a student or an employee. Discriminatory harassment, including sexual harassment, shall not be tolerated at the University of Oregon:

(1) Definitions:

(a) Members of the University community are defined as students, faculty, and staff except for purposes of grievances alleging disability discrimination against the grievant where the definition of "University community" is broadened to include members of the public applying for admission as students, attending or participating (or desirous of attending or participating) in programs on University owned or leased property, applying for employment, or otherwise having business to transact in University facilities (this broadened definition does not apply to the second sentence of the introductory paragraph of this rule);

(b) For purposes of timeliness, "filed" means a signed grievance delivered to a University official authorized to receive grievances which are initiated under OAR 571-003-0025(4)-(6);

(c) Prohibited discrimination is defined as any act that either in form or operation, and whether intended or unintended, unreasonably discriminates among individuals on the basis of age, disability, national origin, race, marital status, religion, gender, gender identity, gender expression or sexual orientation: "Unintentional discrimination" is a concept applicable only to situations where a policy, requirement, or regularized practice, although neutral on its face, can be shown to have disparately impacted members of a protected class. The concept is inapplicable to sexual or other forms of harassment which, by definition, result from volitional actions.

(d) Discriminatory harassment is defined as any conduct that either in form or operation unreasonably discriminates among individuals on the basis of age, disability, national origin, race, marital status, religion, gender, gender identity, gender expression or sexual orientation, and that is sufficiently severe or pervasive that it interferes with work or academic performance because it has created an intimidating, hostile, or degrading working or academic environment for the individual who is the object of such conduct, and where the conduct would have such an effect on a reasonable person of the alleged victim's status. Discriminatory harassment will not be found in the decision to select, include, or assign course or reading materials or curricular content or in the consideration of research topics or investigatory questions within the educational and research activities of University employees and students. However, if specific behaviors or actions opportunistically recur in an educational setting and can be shown by clear and convincing evidence to have been calculated to inflict harm on one or more of the participants, this exception shall not apply.

(e) Sexual harassment is a type of gender discrimination which is defined as:

(A) Any sexual advance, any request for sexual favors, or other verbal or physical conduct of a sexual nature when:

(i) Submission to such advances, requests, or conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic experience; or

(ii) Submission to or rejection of such advances, requests, or conduct by an individual is used as a basis or condition for employment and/or academic decisions affecting such individual; or

(iii) Such conduct is unwelcome and sufficiently severe or pervasive that it interferes with work or academic performance because it has created an intimidating, hostile, or offensive working or academic environment for the individual who is the object of such conduct, and where the conduct would have such an effect on a reasonable woman (if the object is a woman) or a reasonable man (if the object is a man).

(B) Sexual harassment will not be found in the decision to select, include, or assign course or reading materials or curricular content or in the consideration of research topics or investigatory questions within the educational and research activities of University employees and students. However, if specific behaviors or actions opportunistically recur in an educational setting and can be shown by clear and convincing evidence to have been calculated to inflict harm on one or more of the participants, this exception shall not apply.

(f) In the case of allegations of disability "complainant" shall be broadened to include members of the public applying for admission as students, attending (or desirous of attending) events or

participating (or desirous of participating) in programs on University owned or leased property, applying for employment, or otherwise having business to transact in University facilities.

(2) University Employees' Responsibilities in Dealing with Allegations of Prohibited Discrimination or Sexual Harassment: The University has the responsibility to prevent prohibited discrimination from occurring in its work-places and its academic, research, public, and student service programs:

(a) University employees with credible evidence that any form of prohibited discrimination is occurring have the responsibility to inform their supervisors or the Office of Affirmative Action. Credible evidence is evidence of the kind that prudent people would rely on in making important personal or business decisions;

(b) Staff in the Office of Affirmative Action shall provide information about available complaint processes, services for complainants, and assistance with resolving complaints to any University employee who makes a report of alleged discriminatory behavior so that these employees may pass on this advice to those involved who may need this information;

(c) In making such reports, University employees may retain their anonymity;

(d) Staff in the Office of Affirmative Action will advise potential complainants of the options available to them, including applicable internal formal and informal complaint and resolution processes, as well as the possibility of filing with an external agency. Potential complainants shall receive the addresses and phone numbers of external governmental agencies with authority to deal with their complaints, as well as information about any time limitations on access to outside agencies' processes.

(3) Discrimination Grievance Counselor: As required by OAR 580-015-0090, the University has appointed a discrimination grievance counselor who is the Director of the Office of Affirmative Action and Equal Opportunity (hereinafter referred to in this rule as the Director). The Director shall assist students and others in formulating and following up complaints of alleged discrimination.

(4) Formal Complaint Processes:

(a) All members of the University community considering filing a formal complaint alleging prohibited discrimination or sexual harassment are encouraged to contact the Office of Affirmative Action for information and advice. Potential complainants may remain anonymous. Affirmative Action staff will work for resolution through informal processes if that is what the complainant desires, or will assist in making a formal complaint and setting it into the formal complaint process applicable to the complainant;

(b) Faculty and officers of administration who believe they have been subjected to prohibited discrimination or sexual harassment by any employee or agent of the University may file formal complaints under the faculty grievance process as set forth in this division;

(c) Members of recognized collective bargaining units at the University of Oregon who believe they have been subjected to prohibited discrimination or sexual harassment by any employee or agent of the University may file formal complaints under the grievance process set forth in the applicable collective bargaining agreement;

(d) Students who believe they have been subjected to prohibited discrimination or sexual harassment by any employee or agent of the University may file formal complaints under the Oregon State Board of Higher Education's discrimination complaint process, OAR 580-015-0090 et seq.;

(e) Anyone who believes he or she has been subjected to prohibited discrimination or sexual harassment by any University student while on campus or at a University-sponsored event may file formal complaints with the Coordinator of Student Conduct;

(f) A complainant alleging disability discrimination who is not faculty, staff, or a student shall have the grievance investigated by the Human Rights Investigator of the Office of Affirmative Action and Equal Opportunity, with the Investigator's report to go to the appropriate Vice President (who may consult with the Affirmative Action Administrative Council before disposition) who shall promptly and equitably decide the grievance and issue a report of the decision to the complainant and to the person (or unit) grieved against.

(g) When a University officer, other than the University's designated discrimination grievance counselor, receives a properly filed formal grievance or complaint alleging prohibited discrimination or sexual harassment, that officer shall:

(A) Inform the Director that a complaint has been received and name the complainant and respondent;

(B) Request Affirmative Action staff assistance in investigating, seeking resolutions and/or advising the individuals concerned about established procedures; and

(C) keep the Director informed as the complaint or grievance is processed and decided.

(h) For purposes of this rule, "University officer" is defined as any faculty member with appointment as an officer of instruction, administration, or research;

(i) When the Director learns of a formal complaint through the channels described in subsection (g) of this section, he or she shall provide the complainant information about the availability of complaint channels through outside agencies, along with these agencies' names, addresses, and telephone numbers and a description of any applicable time limitations.

(5) Informal Complaint and Resolution Processes:

(a) Faculty, staff, or students who believe they have been subjected to prohibited discrimination or sexual harassment are encouraged to contact the Affirmative Action Office for information, advice, and assistance in resolving the problem;

(b) Faculty, staff, or students who believe they have been subjected to prohibited discrimination or sexual harassment may contact the University Ombud Officer for information, advice, and assistance in resolving the problem;

(c) Faculty, staff, or students who believe they have been subjected to prohibited discrimination or sexual harassment may use any appropriate informal grievance resolution process set out in this division, may secure the assistance of mediators, counselors, or advocates as provided or at the complainant's expense, and/or may attempt any informal resolution appropriate to the particular circumstances;

(d) Individuals seeking informal resolution of a problem of alleged prohibited discrimination or sexual harassment or who merely wish to discuss their experience with an officer of the University, may request anonymity, and need not reveal their identity to the alleged offender. However, when the circumstances are such that, assuming the allegations are true, the health or safety of individuals is at risk, University officers have the responsibility to take such steps as are reasonably necessary to prevent injury. In some cases, that may mean that a complainant's identity must be revealed.

(6) University Officers' and Supervisors' Responsibilities as Participants in Informal Complaint and Resolution Processes: When any University officer (as defined in subsection (4)(h) of this rule) is called upon to assist in the informal resolution of a complaint of prohibited discrimination or sexual harassment, he or she shall:

(a) Take steps to assure that complainants understand their rights, know where they can seek psychological, procedural, or advocacy help, and take reasonable steps to assist complainants to resolve the problem. Professional advice and information on how to advise and assist individuals who feel victimized by prohibited discrimination or sexual harassment is available from the Affirmative Action Office;

(b) Ask the complainant if he or she is willing to participate in an investigation of the allegations, understanding that anonymity cannot be guaranteed in most investigative situations. If the complainant is not so willing; then

(c) Ask the complainant if she or he is willing to act as a witness if the University decides to instigate disciplinary procedures against the alleged offender. If the complainant is not so willing, then

(d) Notify the Affirmative Action Office in general terms that an allegation of prohibited discrimination or sexual harassment has been made. No information that would identify either the complainant or the alleged offender should be communicated to the Affirmative Action Office, unless the situation rises to one described in subsection (5)(d) of this rule. Available information about the parties or the setting in which the alleged prohibited discrimination or sexual harassment took place should be given to Affirmative Action to the extent that it does not breach the confidentiality of the complainant or the alleged wrong-doer;

(e) If the complainant would be willing to participate in an investigation of the allegations or act as a witness in the event of any future formal charges, the University officer shall notify the Affirmative Action Office that an informal complaint of alleged prohibited discrimination/sexual harassment has been received and name both the complainant and the respondent. If the complainant is willing, the University officer should help set up a meeting for the complainant with Affirmative Action staff to discuss the situation;

(f) Report back to the Office of Affirmative Action about any action taken to achieve informal resolution of the problem.

(7) Record Keeping Requirements: The Director shall:

(a) Maintain a confidential file of all formal complaints and grievances alleging prohibited discrimination or sexual harassment by University employees. Such files shall include the final

decision made in the grievance process;

(b) Maintain a confidential file of all informal complaints alleging prohibited discrimination or sexual harassment by University employees made by complainants who participate in investigations or are willing to act as witnesses. The file shall include information about any resolution reached through informal processes and any findings made regarding the allegations of discrimination;

(c) Maintain a statistical record of the complaints filed and their outcomes as described in subsections (a) and (b) of this section, which includes the characteristics of complainants and respondents, including student, staff, or faculty status, home department, and where the discrimination or harassment was alleged to take place: in the classroom, laboratory, or other instructional context, in the workplace, or off campus;

(d) Maintain a statistical record of the number of informal complaints of prohibited discrimination/sexual harassment that are reported, in which the complainant declined to participate as a witness in any future action against the alleged offender;

(e) After a period of five years, destroy those files applicable to allegations of discrimination or sexual harassment in which the complainant wished merely to report and not participate in investigations or disciplinary proceedings, and those files in which no prohibited discrimination or sexual harassment was found, when in the interim, no such subsequent allegations against that particular employee are made;

(f) After a period of seven years, destroy the files applicable to allegations of discrimination or sexual harassment in which prohibited behavior was found, when in the interim, no such subsequent allegations against that particular employee are made;

(g) Four years after an employee against whom complaints of discrimination or sexual harassment have been filed resigns, retires, or dies, destroy any files applicable to the complaints that were not destroyed under subsections (e) and (f) of this section.

(8) Reporting Requirements: The Director shall:

(a) On at least an annual basis, issue a statistical report to the President, the University of Oregon News Bureau, and the Oregon Daily Emerald of the number and kinds of discrimination and sexual harassment complaints received and how they were resolved. No names of individuals involved or other identifying information may be released in this report. Data relating to allegations of sexual harassment shall be reported separately from other forms of prohibited discrimination. Further break-downs by category may be used if confidentiality can be preserved and if doing so will make the figures more meaningful to the public;

(b) Report to the President that a second or subsequent complaint of prohibited discrimination or sexual harassment has been lodged against a particular employee when there is a discrimination or sexual harassment file being maintained in the Affirmative Action Office naming the employee as the respondent in a formal or informal complaint.

(9) Protection of Complainants, Prohibition Against Retaliation:

(a) Employee complainants may request to be transferred for the duration of the complaint proceeding. Student complainants may request to change or drop a course while the complaint is in process. Complainants may request, and the University may propose, that other actions be taken that are appropriate and reasonably likely to diminish conflict or relieve the stress involved in complaint processes;

(b) A complainant shall have the option of withdrawing the complaint at any time prior to the issuance of a final decision under the selected grievance process, or may choose to file the complaint with an outside agency at any time;

(c) Retaliation by any University student or employee against any person participating in good faith in any discrimination, sexual harassment, or other complaint process, whether informal or formal, is strictly forbidden. Retaliation is considered unprofessional behavior and is therefore proscribed conduct under Oregon State Board Rules and is cause for sanctions more severe than a written reprimand. Retaliation is also a violation of the Student Conduct Code and is cause for sanctions imposed under the provisions of that Code.

(10) Sanctions: After following the appropriate disciplinary procedures affording students and employees required due process, the University may impose sanctions as follows:

(a) Faculty and officers of administration found to have engaged in prohibited discrimination or sexual harassment may be subject to a written reprimand to be included in the personnel file or other sanctions for cause under the provisions of OAR 580-021-0320 et seq. and/or to evaluations of less than fully satisfactory service. If a proven or stipulated incident of prohibited discrimination or sexual harassment occurs after the delivery of a written reprimand or an evaluation of less than fully satisfactory service arising out of such conduct, procedures to

impose further sanctions for cause shall be instituted under OAR 580-021-0330 et seq.
Possible sanctions include suspension or termination of employment;

(b) Students found to have engaged in prohibited discrimination or sexual harassment may be subject to sanctions including suspension or expulsion under the Student Conduct Code;

(c) Classified staff members found to have engaged in prohibited discrimination or sexual harassment may be subject to written reprimand to be included in personnel files or further sanctions in accord with the progressive discipline concept in accordance with any applicable collective bargaining agreements. Such sanctions include suspension, reduction of pay, and termination of service.

Stat. Auth.: ORS 351.070 & 352.004

Stats. Implemented: ORS 659.150-659.160; 46 USC sec. 12112, 12132 & 12182

Hist.: UOO 3-1983, f. & cert. ef. 5-31-83; UOO 7-1993, f. & cert. ef. 6-2-93; UOO 1-1994, f. 5-31-94, cert. ef. 6-1-94; UOO 1-1997, f. & cert. ef. 2-3-97; UO 5-2004, f. 9-13-04, cert. ef. 9-14-04

Student Grievance Procedures

571-003-0100

Introduction

(1) OAR 571-003-0100 through 571-003-0125 apply as specified to students including undergraduate, postbaccalaureate, community education, and graduate students. For the purposes of these rules, a student is an individual who, having paid the appropriate fee or having the fee officially waived, is enrolled in courses at the University of Oregon or was so enrolled at the time the action grieved occurred:

(a) Work-Related Graduate Teaching Fellow Grievances: Graduate students with complaints arising from their employment as Graduate Teaching Fellows shall follow the grievance procedures specified by their applicable collective bargaining agreement;

(b) Student Versus Student Complaints: Students who wish to make a formal complaint against a fellow student or students or a student group (unless the complaint is against a student for actions taken as a University employee) shall use the procedures specified in the **Student Conduct Code**, OAR 571-021-0005 et seq.;

(c) Fees, Fines, and Other Charges: Students with grievances related to the assessment of fines, imposition of charges or the applicability of but not the waiver of fees, shall use the procedures described in OAR 571-060-0005 et seq.;

(d) Financial Aid: Students who face the loss, reduction or suspension of financial aid other than as an application against delinquency pursuant to federal, or state law, or published Oregon State Board of Higher Education or University policies or directives, may request a contested case hearing under OAR 571-002-0000 et seq. Students with other grievances regarding the administration of Financial Aid may use the procedures described in OAR 571-003-0125;

(e) Student Records: Students with complaints about access to or the contents of their student records shall use the procedures described in the University's Student Records Policy, OAR 571-020-0005 et seq.;

(f) Prohibited Discrimination: Students who believe that one or more University of Oregon employees or agents have acted in a way that constitutes prohibited discrimination (including sexual harassment) shall file any formal grievances under OAR 580-015-0090;

(g) Petition Processes: Many University offices and academic units have established petition processes for students who believe an exception to applicable policy or procedures should be made in their special situations. Students wishing to alter a decision affecting them should contact the office responsible for making the decision to see if there is a procedure established for petitioning for a change. The University administration reserves the right to create petition processes that comply with the requirements of OAR 571-003-0105 or to eliminate petition processes as it deems desirable;

(h) Graduate Student Academic Grievances: A graduate student with an academic grievance including graduate qualifying examinations, comprehensives, dissertation preparation, research evaluation, doctoral orals, or advising relationships shall use the procedures established under OAR 571-003-0120;

(i) Family Housing Grievances: Individual family housing resident's grievances against University Housing shall proceed solely under OAR 571-022-0060;

(j) Other Grievances: A student who believes that one or more University of Oregon agents or

employees has acted in an arbitrary manner or has acted in non-compliance with federal or state law, policies, directives, or administrative rules, or has acted in a way that exceeds authority or abuses discretion, to the personal detriment of that student, shall file a grievance under the process described in OAR 571-003-0110 and 571-003-0115.

(2) General Guidelines:

(a) Statements of Grievance: Formal grievances filed by students under these rules shall be in writing and shall include at least the following information:

(A) The approximate date and nature of the events that lead to the filing of the grievance;

(B) The names of all persons the aggrieved knows to have been directly involved in or responsible for the events alleged;

(C) All the relevant facts the aggrieved knows that support these allegations, including any stated policies or procedures that are alleged to have been violated. The aggrieved may add to this statement if more information becomes available during the course of the grievance;

(D) The relief the aggrieved seeks to resolve the grievance.

(b) No Retaliation: Students using this or any other authorized grievance process shall be protected from retaliation for using the process. While the actions that have prompted the grievance may be carried out in due course while the grievance is pending and normal academic processes and events including testing and grading shall go on unimpeded, no other actions proposed subsequent to the filing of the grievance adverse to the student's interests may be taken unless those proposing such action can prove to the appropriate vice president's satisfaction that such action is free of retaliatory intent;

(c) Grievance Counseling: Students who are uncertain whether a problem can be addressed through a petition process, a grievance process under these rules, or through another resolution process, should consult the ASUO Office of Student Advocacy or the Office of Student Affairs;

(d) Choice of Process: In some cases students may have a choice of formal procedures under which to file grievances and complaints rising from the same incident. In such situations, the affected student must select one and only one formal process. The University shall not hear a second complaint from the same student on the same facts, and shall not hear a grievance if a similar complaint is filed with an external agency or court. Preliminary efforts at informal solution shall not be deemed the filing of a grievance;

(e) Advice and Counsel: Student complainants may secure advice and counsel as they see fit throughout both the formal and informal procedures described herein. Participation by advisers in meetings or hearings shall be permitted to the extent provided for in these rules. A University officer may refuse to include a student's adviser in such a meeting, unless the student advises the officer, at least five working days in advance of the meeting, that a named adviser will be present. During the course of a student grievance, all parties shall be responsible for the costs, if any, of their personal representation;

(f) Time: All mention of days throughout OAR 571-003-0100 through 571-003-0125 are calendar days unless otherwise specified;

(g) Personal Records: By filing a complaint under any student grievance rule, a student authorizes the appropriate authority to inquire into the matter as necessary to discover the applicable facts and to communicate as specified in these rules, its findings and reasons to the concerned parties.

[Publications: The publication(s) referred to or incorporated by reference in this rule are available from the agency.]

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 3-1990, f. & cert. ef. 2-14-90; UOO 4-1991, f. 2-28-91, cert. ef. 3-15-91; UOO

7-1993, f. & cert. ef. 6-2-93

571-003-0105

Student Petition Processes

(1) Mandatory Use: The University has established a number of formal petition processes that apply when students wish to request a waiver of or exception to University policy or procedure which applies to them. Where such a process has been established, students must follow that process to have their requests considered.

(2) Procedural Requirements: University offices with established petition processes shall make reasonable efforts to publish the availability of the process, shall train staff to advise students on the use of the process, and shall maintain an adequate store of appropriate petition forms or other relevant materials.

(3) Informal Petitions: Where no formal petition process is established, students are free to request reconsideration of decisions affecting them by writing to the decision-maker and making such a request.

(4) Grounds for Appeal: The denial of a petition is not a subject for a grievance complaint unless the student believes prohibited discrimination, abuse of discretion or arbitrary and capricious action has occurred. If this appears to be the case, the student may file a grievance under OAR 571-003-0110, 571-003-0115, or under OAR 580-015-0090.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 3-1990, f. & cert. ef. 2-14-90

571-003-0110

Procedural Requirements

(1) Students (as defined in OAR 571-003-0100(1)) who believe they have been individually wronged by arbitrary or capricious action or non-action, abuse of administrative discretion, or non-compliance with applicable law, rules, or policies by the University, its agents and employees, may grieve in accordance with the procedures outlined in the applicable rule.

(2) A student must institute a formal grievance within 45 days of the time the student knows or by reasonable diligence should have known of the matter prompting the grievance. The running of the 45 day period shall be suspended during examination and vacation periods, including the period between the end of spring term and the beginning of fall term if the student is not enrolled in summer session.

(3) All decision-makers' written decisions required by these rules shall include a statement of findings and conclusions, a recitation of the applicable facts and the law, rules, and policies which support the conclusions, and a description of any appeals procedures available to the parties to the grievance.

(4) If the decision at any level requires taking action, the decision shall include a copy of the instructions to the appropriate University personnel for implementing that action.

(5) Failure of a decision-maker at any level to communicate the decision within the applicable time limits shall permit the aggrieved to proceed to the next step. The failure of the aggrieved to appeal a decision within the time limits shall be deemed to be an acceptance of the decision.

(6) Informal Resolution: Before filing formal complaints, students are urged to consider direct conversation with the individual causing the problem or with that person's supervisor, in an effort to resolve misunderstandings and to achieve solutions as quickly as possible. The use of informal processes does not prevent the filing of a formal grievance so long as the formal grievance is filed within the applicable time limits:

(a) Informal Discussion: Students may request a meeting with the problem-causing person or with that person's supervisor;

(b) Mediation: Students may request mediation through any available campus mediation program;

(c) Local Processes: Students may use any informal processes established within the unit in which the complaint arose.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 3-1990, f. & cert. ef. 2-14-90

571-003-0115

Formal Grievance

(1) Students may choose to proceed directly to a formal grievance process, or they may wish to file a formal grievance if they believe informal efforts at resolution have failed. Formal grievances must meet the requirements stated in OAR 571-003-0110(1) and (2).

(2) *Step One*: An aggrieved student shall either file a written complaint according to the established grievance process within the appropriate administrative unit or if one is not established, with the immediate supervisor of the person grieved against. The complaint shall comply with the requirements set forth in OAR 571-003-0100(2)(a):

(a) A University employee who receives a grievance under this rule that has as its basis allegations of prohibited discrimination or sexual harassment against a student shall direct the complainant and the grievance to the Office of Affirmative Action for a proper filing under OAR 580-015-0090;

(b) If mediation did not take place in an effort to reach an informal resolution, the Step One decision-maker, who believes mediation could be productive and if the aggrieved and the person grieved against agrees, may refer the matter to any available campus mediation service. Such mediation suspends the time limits described in this subsection for up to 30 days or until mediation is concluded, whichever is earlier. If the grievant does not agree to mediation, the Step One decision-maker shall proceed with the investigation of allegations in the grievance;

(c) The Step One decision-maker or a designee may investigate the allegations contained in the grievance and interview the parties and others as appropriate in order to come to a decision on the issues in question. The Step One decision-maker shall either deny or resolve the grievance within 20 days of receipt of a written grievance, except if mediation is undertaken, as described in OAR 571-003-0110(6). The Step One decision-maker shall communicate his or her decision to the parties to the grievance in the form required in OAR 571-003-0110(3).

(3) *Step Two*: Complainants who are dissatisfied with the decision at Step One may appeal by filing a written notice of appeal within 14 days of receiving the decision at Step One. The appeal shall contain a copy of the Step One decision, a statement of the issues remaining unresolved, and a description of the relief or resolution sought:

(a) Grievances against faculty may be appealed to the Student-Faculty Committee on Grievances or as an alternative, to the appropriate Vice-President (see subsection (b) of this section). The Student-Faculty Committee on Grievances operates under the charge, procedures and time lines stated in OAR 571-003-0006(3). No person involved as a party to the grievance or as a participant in either the informal resolution efforts or the decision-making at Step One of the formal grievance process shall serve on the Student-Faculty Committee on Grievances when it considers a grievance under this subsection;

(b) Grievances against any University employee may be appealed to the Vice-President to whom the grieved-against person reports. The Vice President may elect to investigate the grievance or to designate an investigator, or may decide the grievance on the record already assembled. Both parties shall have access to the record presented to the Vice-President (including all documents and communications relied on by the Step One resolver and the Step Two investigator) and shall have the opportunity to comment on it before the Vice President's decision. The record of the grievance includes all statements and evidence submitted by the parties and the Step One decision report. The Vice-President shall have 30 days from receipt of the grievance to investigate and render a decision in writing. Within that time, the decision shall be given to both the aggrieved and the person grieved-against.

(4) *Step Three*: If either or both parties to the grievance are dissatisfied with the result of Step Two, they may file a written appeal to the University President within 14 days of receiving the Step Two decision. The President may elect to decide the grievance on the record already assembled, may elect to investigate personally or by appointing an investigator, or may remand the grievance to the decision-maker at Step Two for further clarification and additions. Both parties shall have access to the record presented to the President upon appeal and shall have the opportunity to comment on it before the President makes a decision. The same records considerations apply to this step as to those before. The President shall render a written decision within 60 days of the receipt of an appeal. Both parties shall receive a copy of the Step Three decision. The President's decision is final.

(5) *Withdrawing the Grievance*: The grievance may be withdrawn by the aggrieved at any step in this procedure by submitting a signed and dated written notice to the decision-maker who currently is considering the grievance.

(6) *Extensions of Time*: Time limits within this rule may be extended by the decision-maker when to do so will enhance the fairness of the process, by giving written notice to all parties.

(7) *Failure to appeal a decision at any step within the specified time shall terminate the grievance.*

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 3-1990, f. & cert. ef. 2-14-90; UOO 7-1993, f. & cert. ef. 6-2-93

571-003-0120**Graduate Student Academic Grievances**

(1) A graduate student with a grievance concerning graduate qualifying examinations, comprehensives, dissertation preparation, research evaluation, doctoral orals, advising relationships, or other academic grievance shall use the procedures established under this rule.

(2) A graduate student must institute a formal grievance within 45 days of the time the student knows, or by reasonable diligence should have known of the matter prompting the grievance:

(a) For the purposes of this rule, a graduate student is an individual who, having been formally admitted into a recognized graduate degree program, and having paid the appropriate fee or having the fee officially waived, is enrolled in University courses for academic credit, or was so enrolled at the time the action grieved occurred;

(b) The running of time under this rule shall be suspended during examination and vacation periods, including the period between the end of Spring term and the beginning of fall term if the student is not enrolled in summer session, unless both parties agree not to suspend the time limits. After the filing of a formal grievance, more time may be allowed at any level if both the aggrieved and the decision-maker agree more time is needed;

(c) In addition to stating the decision-maker's conclusion, all written decisions shall include a recitation of the applicable facts and the law, rules, and policies which support the conclusion:

(A) If the decision at any level requires taking action, the decision shall include a copy of the instructions to the appropriate University personnel for implementing that action;

(B) Failure of a decision-maker at any level to communicate the decision within the applicable time limits shall permit the aggrieved to proceed to the next step. The failure of the aggrieved to appeal a decision within the time limits shall be deemed to be an acceptance of the decision.

(3) Informal Resolution: Before filing formal complaints, students are urged to consider direct conversation with the individual causing the problem, or the appropriate department head or dean, in an effort to resolve misunderstandings and to achieve solutions as quickly as possible. Graduate students may also consult with the Dean of the Graduate School in trying to achieve an informal solution to their problem.

(4) Formal Process:

(a) *Step One:* The graduate student shall file a written grievance with the department head, department grievance committee, the college/ school grievance committee, or the dean, whichever is applicable:

(A) The student's statement of the grievance shall comply with the requirements of OAR 571-003-0100(2)(a);

(B) A University employee who receives a grievance under this rule which alleges illegal discrimination against a student including sexual harassment, shall send a copy of the grievance to the Assistant to the President for Legal Affairs and to the Office of Affirmative Action;

(C) The decision rendered at Step One shall be in writing and shall be provided to the aggrieved and all other named parties to the grievance within 30 days of the receipt of the formal grievance.

(b) *Step Two:* If the aggrieved graduate student is dissatisfied with the decision at Step One, the aggrieved shall file a written appeal of that decision to the dean of the school/college, or if the dean made the decision at Step One, to the Dean of the Graduate School, within 14 days of receipt of the decision made at Step One:

(A) The dean to whom the appeal is addressed may decide the grievance on the record presented or may investigate the grievance, appoint a designee to investigate, or refer the grievance to an appropriate committee or group to investigate;

(B) The decision rendered by the dean to whom the appeal was addressed shall be in writing and shall be provided to the aggrieved and all other named parties to the grievance within 30 days of the receipt of the formal grievance;

(C) If the appeal is to the Dean of the Graduate School, see the procedure set forth in subsection (c) of this section.

(c) *Step Three:* If the graduate student aggrieved is dissatisfied with the decision at Step Two, the aggrieved shall file a written appeal of that decision to the Dean of the Graduate School within 14 days of receipt of the decision at Step Two, but if the Dean of the Graduate School

made the decision at Step Two, the aggrieved may proceed to Step Four:

(A) The Dean of the Graduate School or the Dean's designee shall appoint an ad hoc Advisory Committee normally composed of three members selected from the Graduate Council (one student and two faculty members or three faculty members) to investigate the grievance and to make a recommendation to the Dean of the Graduate School, within 15 days of receipt of the decision made at the prior step;

(B) The Dean of the Graduate School shall render a decision, in writing, within 30 days of receipt of the appeal, and provide copies of the decision to all the parties named in the grievance.

(d) *Step Four.* If either party is dissatisfied with the Dean of the Graduate School's decision, an appeal may be made to the Provost by filing a written appeal within 14 days of receiving the decision at Step Three. The Provost may decide the grievance on the record already developed or may investigate further, or designate another to investigate. The Provost shall provide a copy of the decision at this level to all the parties named in the grievance within 45 days of receiving the appeal. The Provost's decision shall be final.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 3-1990, f. & cert. ef. 2-14-90; UOO 7-1991(Temp), f. 4-25-91, cert. ef. 4-26-91; UOO 12-1991, f. 10-8-91, cert. ef. 10-15-91

571-003-0125

Student Financial Aid Appeals Procedure

(1) A student who believes that the Office of Student Financial Aid (OSFA) has made an error in deciding eligibility for financial assistance, or nonrenewal or diminution of financial assistance may appeal that decision through the procedure described in this rule. This procedure applies to all forms of student financial aid including Athletic Department grants in aid.

(2) Within 30 days after being notified of the decision, the student shall submit a written request that the case be reviewed:

(a) Upon receipt of such a request, OSFA staff shall schedule a meeting for discussion and reconsideration of the decision with the student and a Financial Aid counselor. If possible, the student shall meet with the counselor who made the complained-of decision. Unless it is inconvenient for the student, the meeting shall take place within seven days of receipt of the student's appeal;

(b) If the student at any time during this process alleges that financial aid was reduced or denied because of illegal discrimination, OSFA staff shall send copies of the complaint and all subsequent decisions and appeals to the Assistant to the President for Legal Affairs and to the Director of the Office of Affirmative Action;

(c) The OSFA counselor shall inform the student in writing of the counselor's decision regarding the appeal within seven days of the appeal meeting.

(3) *Appeal to Director:* If the student believes the counselor's reviewed decision is in error, the student may file a written appeal with the Director of OSFA. Such an appeal must be received within seven days of the student's learning of the counselor's decision:

(a) Upon receipt of such an appeal, OSFA staff shall schedule a meeting for discussion and reconsideration of the decision with the student and the Director of OSFA, or the Director's designee if the Director is not available. Unless it is inconvenient for the student, the meeting shall take place within seven days of receipt of the student's appeal;

(b) The Director of OSFA shall inform the student in writing of the Director's decision regarding the appeal within seven days of the appeal meeting.

(4) *Appeal to Board:* If the student still believes a mistake has been made, the student may request a hearing before the Financial Aid Appeals Board. Such a request must be submitted to Dean of Students within seven days of the student's receipt of the Director's decision:

(a) The Financial Aid Appeals Board shall schedule a hearing at which the student's and the OSFA positions can be presented. Counsel may participate on behalf of either party. Spoken testimony and argument shall be tape recorded;

(b) The Financial Aid Appeals Board shall make its decision by a majority vote of all voting members who participated in the hearing provided that at least one student member of the Board participated in the hearing. It shall produce a written report of its decision, citing the law, rules and policies affecting its decision, and all applicable facts as found. The report shall be

sent within 14 days of the hearing to the complaining student, the Director of Financial Aid, and the University President;

(c) Either party may appeal the Board's decision to the President. If neither party appeals within seven days, the Board's decision is final. The President may inquire further concerning the issues raised, or may base the decision on the record developed by the Appeals Board. The President shall report the decision within 30 days. This report shall set forth a final determination as to the Student's Financial Aid entitlement.

(5) The Financial Aid Appeals Board shall include seven voting members and one ex-officio (non-voting) member. The seven voting members shall be appointed as follows:

(a) Two students with class standing of junior or higher shall be appointed by the President of the Associated Students of the University of Oregon;

(b) Four members of the University's faculty shall be appointed by the Provost; one member of the Law School faculty shall be appointed by the Dean of the Law School; the ex-officio (non-voting) member shall be appointed by the Director of Financial Aid from among the staff of the Financial Aid Office;

(c) Regular appointments to the Financial Aid Appeals Board shall be made on or before June 30 to take effect September 16. Regular appointments shall be for a term of one year with re-appointment for successive terms permitted. Substitute appointments to fill unexpired terms may be made as necessary by the proper authority during the year;

(d) Appeals Board members who feel they are too close to either side of the issues presented to make an objective evaluation of the claim shall abstain from the proceedings. A quorum of four voting members must be present at any hearing. A majority vote for decision purposes is defined as a majority of all eligible voting members.

Stat. Auth.: ORS 351 & ORS 352

Stats. Implemented: ORS 351.070

Hist.: UOO 3-1990, f. & cert. ef. 2-14-90

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