

INTRODUCING
UHPA

BENEFITS

**GRIEVANCE
PROCEDURE**

LEGAL SERVICES
E.E.L.

FACULTY REP



UNIVERSITY OF HAWAII
PROFESSIONAL ASSEMBLY

STEP BY STEP THROUGH THE GRIEVANCE PROCEDURE

Refer to the Grievance Procedure in the 2003-2009 Agreement Between the University of Hawaii Professional Assembly and the Board of Regents of the University of Hawaii (Article XXIV).

ALL FACULTY MEMBERS who are employed by the University system half-time or more, are members of Bargaining Unit 07, and are represented by the Assembly in grievance matters whether or not they have actively joined UHPA.

WHEN A FACULTY MEMBER has a complaint concerning the application or interpretation of a contract provision, resolution is attempted first informally, then formally, according to the steps which follow.

A GRIEVANCE IS A COMPLAINT by a faculty member or the union concerning the interpretation and application of the express terms of the Agreement.

A grievance must be filed within 20 calendar days after the alleged violation has occurred.
INFORMAL RESOLUTION

1. You may seek and accept the advice of the department or division chair, or the administrator at the lowest possible level.
2. Your interests are best protected if you request guidance from the UHPA staff by calling 593-2157.
3. All communications with any representatives of the Assembly are treated with confidentiality throughout every aspect of the procedure.
4. You may seek voluntary mediation to solve complaints before a formal grievance must be filed. During these efforts at informal resolution, the "20-day clock is stopped" with respect to the filing of a formal grievance.

FORMAL GRIEVANCE PROCEDURE

5. If the complaint is not resolved informally, a formal grievance can be filed. Your interests are best protected if you request representation of the Assembly throughout the formal procedure.
6. Meet with a representative of UHPA as soon as possible.

STEP 1 — HEARING

7. The grievance must be filed with the Chancellor at your campus within 20* calendar days of the date following the alleged violation, or the date on which you reasonably should have known of the alleged violation. It is prepared by the UHPA representative and signed by you.

* NOTE: Failure to file a grievance in a timely fashion (within 20 days of incident) may result in its dismissal on procedural grounds.

The written grievance must contain:

- a. your statement of the facts concerning the grievance,
 - b. the specific provision of the contract which is believed to have been violated,
 - c. the remedy requested, and
 - d. how and with whom you informally tried to resolve the issue.
8. A meeting is scheduled for you and your UHPA representative with the designee from the office where the grievance was filed within 15 calendar days after receipt of the grievance.

A written decision is provided within 15 calendar days after the end of the meeting.

STEP 2 — APPEAL

9. If the grievance is not resolved at the preceding level, the decision may be appealed to the office of the President.

The written appeal, specifying why the decision was unsatisfactory, must be filed within 15 days after its receipt. It is prepared by the UHPA representative and signed by you.

10. A meeting is scheduled for you and your UHPA representative with the President's designee within 15 calendar days after receipt of the appeal.

A written decision is provided within 20 calendar days after the end of the meeting.

11. If the decision on the appeal is negative, you may consult with the UHPA staff about requesting that the Assembly take your grievance to arbitration.

* NOTE: See Article XII, Tenure & Service, and Article XIV, Promotion, for appeal procedures for negative decisions in Tenure & Promotion cases.

STEP 3 — ARBITRATION

12. If you do request arbitration (this also applies to Hearing Officers in tenure cases), the UHPA Grievance Committee meets to hear your presentation on the specific contract provision and alleged violation. It examines the evidence and determines whether there is sufficient cause for recommending that the UHPA Board of Directors authorize arbitration.
13. If the grievance concerns dismissal or termination, you will have an opportunity to make a presentation to the Board in executive session prior to their deliberation and decision.
14. If the Board of Directors decides that the Assembly will refer your grievance to arbitration, the UHPA staff notifies the President's office within 30 calendar days after the receipt of the negative decision of the appeal.

- 15.** At the arbitration hearing, the arbitrator will hear presentations from you and the administration only on the issues raised in the initial grievance.

An UHPA staff person will prepare the case for presentation to the arbitrator and represent you during the hearings. The decision of the arbitrator is final and binding on both parties.

- 16.** The Union may bring forth a class action grievance where there is disagreement over the general meaning of contract language, without identifying specific individuals that have been affected by such interpretations.

Pursuant to changes in the law, the parties have defined the role of Performance Judges (as opposed to arbitrators) with respect to terminations based on the alleged lack of substantive performance by a faculty member in the carrying out of his/her professional duties. The parties have limited the use of Performance Judges, and in all other matters of discipline and discharge, cases will go to Arbitrators.

When informal resolution of a grievance is not possible, a formal grievance which is resolved prior to arbitration should be completed within 90 days after it is first filed at the Office of the Chancellor. If the appeal to the President's office does not conclude in resolution and arbitration is approved by the Board of Directors, the process should be completed within an additional 90-120 days, depending upon the time required for preparation and presentation. The timelines may be extended, due to semester breaks and other unforeseen reasons, by the agreement of both parties.

UHPA believes that the process should be expedited, and the staff will do everything in their power to limit the amount of time necessary to reach a satisfactory resolution.



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