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GRIEVANCE PROCESS INFO SHEET: UNH Lecturers United-AAUP

Unfortunately, there are times when lecturer faculty find themselves in uncomfortable or unfair situations with their colleagues or supervisors. The first rule of thumb for any such situation is to a) document everything that is happening and b) print, read and highlight your Collective Bargaining Agreement, especially Article 14, Grievance Process.

Of course, not every complaint legally constitutes a grievance....

How does a “complaint” become a “grievance”?

When faced with a problem or situation that may be in violation of the contract or any UNH policy that is incorporated into the contract, the first place for a lecturer to begin to seek resolution is via an informal consultation (CBA 14.3). The intention of the informal consultation stage is for the parties involved to come together to reach agreement about a solution. (This step may, but doesn't need to, involve the presence of UNHLU representation and that of the administration; this varies on a case-by-case basis. Members of the bargaining unit always can request union representation at any meeting. Should UNHLU representation be present at these informal meetings, the administration may also arrange for their representative to be present.)

If the issue is not resolved with informal consultation, the next step in the process is a “Step 1” initial grievance meeting (CBA 14.4). The decision about whether a complaint goes to Step 1 is first made on the basis of the available evidence that supports there being an actual contract or UNH policy violation. The grievance officer evaluates the evidence and keeps careful records thereof. In cases where it appears that a lecturer has a complaint but not an actual violation of the CBA or UNH policy, then the grievance process outlined in the CBA cannot be used to resolve that dispute.

If a Lecturer continues to believe that there is a contract or policy violation but the grievance officer disagrees, the grievance officer will bring the issue and evidence to the UNHLU contract administrator and UNHLU legal counsel. At this point, the President and/or Vice President may also be consulted. The lecturer may at this point write an explanation of their case and present the reasons they feel it should go forward to Step 1 or beyond. This will be presented to the officers of the Executive Committee named above for examination.

Should it be determined that there is no contract / policy violation, then the UNHLU will direct the complainant to available employee resources or support services. If UNHLU legal counsel and/or contract administrator identifies a contract violation, then the Step 1 meeting may be scheduled by the grievance officer.

Following Step 1, if there is not a successful resolution, the process may continue to Step 2, which is arbitration (CBA 14.5). To move to arbitration, a quorum of the Executive Committee of UNHLU-AAUP will need to meet and discuss the details of the grievance (including any documents provided by the lecturer). The EC shall seek the advice of Counsel to ensure it is meeting the Duty of Fair Representation of its bargaining unit members.

Arbitration is a costly and lengthy process. Going to arbitration must be decided according to each case's merit. Considerations include:

- Potential of a particular grievance to set legal precedent
- Likelihood of winning a particular grievance, since losing can also set a precedent.
- Financial feasibility: the EC has the fiduciary obligation to maintain proper stewardship of the finances of our union, so not every grievance will be considered viable for arbitration.

Should the EC decide to go to arbitration on this case, the grievance officer will notify the grievant, counsel, and the administration of the decision and proceed. Should the EC not decide to go to arbitration on this case, the grievance officer will notify the complainant and inform them of their options outside of the union grievance process.

At all times, the grievance officer, counsel, and members of the EC shall maintain confidentiality regarding the case. Records and documentation shall be kept in a secure place. If the grievance is settled with an Agreement, the details of this resolution is privileged information and should not be discussed outside the EC except by explicit permission of the grievant.

At all times, the grievant, grievance officer, counsel and members of the EC should comport themselves with patience, professionalism, mutual respect, and forbearance. Grievants should make use of personal counseling to help manage the stress of this process, and not expect the grievance officer, counsel, or members of the EC to serve in that capacity.