

## **Guide to Grievance & Arbitration Processes**

### **BASIS FOR GRIEVANCE**

Grievances of TAUP bargaining unit members are governed by Article 8 of the 2004 – 2008 TAUP – Temple University Collective Bargaining Agreement.

In general, a grievance is a formal complaint by someone who thinks he has been wronged. The TAUP-Temple University collective bargaining agreement, however, specifies that the formal grievance procedure only applies to the interpretation or application of the contract.

The above statement means *a grievance must be based on a violation of the contract*. However, it is always worth discussing with the TAUP staff any incident or situation that is causing concern. The contract violation may not be immediately apparent to the bargaining unit member involved.

The grievance must be filed within 20 working days of when the injured party knew, or *should have known*, the incident occurred.

A bargaining unit member files a grievance against Temple University administration (that is, a dean or the provost, or equivalent); he or she may not file against a fellow bargaining unit member. This means one may not grieve against a department chair.

### **PROCESS FOR GRIEVANCE**

Grievances are handled in 2 stages. These are delineated in Article 8, pages 9 – 10 of the current (2004-2008) TAUP contract. If the grievance is not resolved, it is possible, *though not guaranteed*, that it will then move on to arbitration.

The process that the union will follow with a bargaining unit member is explained below:

At Step 1, the grievant (usually after consultation with the TAUP staff) presents an informal complaint in writing to the dean, with copies to the provost (or their counterparts for librarians and academic professionals) and the TAUP office. The dean has 15 working days in which to respond.

Step 2 is required if there is no resolution at Step 1. In addition, grievances that are initiated in response to a faculty member's having been disciplined under Article 12 of the contract begin at Step 2.

At this stage the grievant meets with TAUP staff to discuss the situation, to go over the facts, and to work out possible ways to resolve the dispute. TAUP staff will write the Step 2 grievance, which must be presented to the provost or provost's designee within 10 working days of the answer or lack thereof to Step 1, or in the case of discipline, within 20 working days of the action. The provost (or designee or counterpart) must answer the Step 2 complaint within 20 working days of receiving the grievance.

Also at this stage, TAUP will appoint its own committee to investigate the grievance. In general, this group will comprise at least 2 TAUP members from various disciplines who will examine the grievance to determine if, absent a resolution with Temple administration, there is a high probability of prevailing at arbitration.

It is possible that during this same period Temple

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and TAUP could agree to “stop the clock” to allow for meetings between the union and Temple in an effort to work out a resolution to the grievance.

However, if a resolution cannot be worked out, then the university will deny Step 2, and TAUP will have to consider whether or not to go to arbitration.

## **PROCEDURE FOR GOING TO ARBITRATION**

Arbitration completes the grievance process. It is governed by Article 9 of the 2004 – 2008 TAUP – Temple University Collective Bargaining Agreement. Arbitration is a serious and costly procedure that the union does not undertake casually.

The union must file for arbitration within 20 working days of the Step 2 denial.

If personnel outside the Executive Committee or Grievance Committee or TAUP staff cannot be found to evaluate the viability of the grievance for arbitration, the grievance chair and TAUP Member Services Coordinator will use their best efforts, usually consulting with the TAUP officers or attorney, to assess the facts of the grievance and its suitability for arbitration.

Whatever group has assessed the grievance, the members will write a joint report for the Executive Committee, who will use it to inform their vote on whether or not to take the grievance case to arbitration.

The grievant will be notified of the Executive Committee’s vote as soon as possible. He or she will have the opportunity to appeal in writing a negative vote. Because of the tight timetable for going to arbitration, the grievant will necessarily have to respond quickly. TAUP Member Services Coordinator will inform the grievant of all pertinent deadlines.

After reading the appeal, the Executive Committee will take another vote. At this point, their decision is final.

No grievance goes to arbitration without the approval of the TAUP Executive Committee. The EC will rely heavily on the report of the TAUP Committee that investigated the complaint when the Step 2 grievance was filed.

If the decision is to go to arbitration, TAUP uses the American Arbitration Association. Usually our attorney files our cases and represents us at the hearings. Temple must share the arbitrator’s fee, but not, of course, our attorney’s bills. In grievance matters, as in all others, TAUP treats union members and non-members alike.

## **OUTCOME**

The grievance – arbitration process may take a long time to complete, sometimes a year or more. TAUP’s goal at every stage is to find a workable solution that will allow everyone to get on with the work at hand.

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## **For More Information *Call or Email***

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