

Grievance Processing Basics for Members¹

1. What is a grievance?

The collective bargaining agreements define a grievance:

A grievance is an allegation... that an express provision of this Agreement has been breached...

Grievances are most commonly filed over a perceived violation, misinterpretation or misapplication of the collective bargaining agreement.

2. When do you file a grievance?

A grievance must be filed within 15 calendar days from the date the alleged violation occurred, or from when the grievant should have known of the violation.

3. How is a grievance different from other interactions with the administration?

Filing a grievance is a concerted, protected action – it is a union activity. An employee covered by a collective bargaining agreement has the right to challenge certain decisions made by the employer.

4. Who can file a grievance?

For individual grievances the unit member files the grievance. The union must be contacted before an individual files a grievance, so that the correct grievance number may be designated to the grievance. Every grievance filed must have the correct grievance number.

The union is obliged to assist with processing the grievance. Most grievants welcome the union's involvement in helping process the grievance.

For violations that impact multiple members a chapter grievance may be filed by the chapter.

For violations that impact multiple campuses a consolidated grievance may be filed by the MSCA.

The MSCA has the right to be at any hearing conducted to resolve the grievance to ensure that the resolution does not violate the collective bargaining agreement.

If a grievance reaches step 3 or 4 (see point 8), the right to proceed/resolve/terminate a grievance resides with the MSCA president.

5. Why grieve?

To protect unit members' rights. Filing a grievance allows members, chapters or the MSCA to address problems affecting the work environment. The grievance process is a structured dispute-resolution process. The MSCA enforces the contract through the grievance process.

6. How do you file a grievance?

With very few exceptions, a grievance *must* be filed at Step 1 with the Vice President or his/her designee. Grievance officers can provide templates for grievance filings and explain the process in detail. Grievances can be filed electronically (by email) or in person on paper. If filed electronically, the contract requires that a signed paper copied be filed before the Step 1 hearing is conducted.

Grievance filings at step 1 do not need to be anything more than a notice to the VP that there is an allegation of a contract violation. However, **we recommend that the grievance be filed as a document.**

¹ This is the MSCA's modified version of what appears in MTA's "[A Road Map for MTA Higher Education Members](#)" published by the Massachusetts Teachers Association.

7. What information is needed for a grievance?

The actual grievance should include the following basic information:

- Grievance number.
- Date the alleged contract violation took place.
- Date the grievance is filed (including electronically).
- Articles of the contract alleged to have been violated.
- Description of the contract violation.
- Remedy requested.

8. What are the grievance Steps?

- Step 1 – the “informal” step, is filed with the vice president of academic affairs or designee.
- Step 2 – the “formal” step, is filed with the university president or designee.
- Step 3 – mediation, is the association’s attempt to resolve the matter with a neutral facilitating the process.
- Step 4 – arbitration, is the final step and is very formal with an arbitrator, MTA attorneys, a stenographer taking dictation and briefs filed by the attorneys.

The chapter is responsible for:

- 1) processing grievances through Step 1 and Step 2
- 2) and if not resolved by the end of Step 2, for getting the materials to the MSCA.

The MSCA is responsible for processing Step 3 and/or Step 4.

9. Are grievances common?

Unfortunately, yes. Each chapter has a unique relationship with the administration and that relationship changes from time to time particularly with new leadership on one side or the other. Common issues include: evaluations (reappointment, promotion and tenure), student complaints, possible disciplinary action, scheduling, workload, compensation and academic freedom.

10. Other avenues?

If it is determined that there is no grievance, you may see if a remedy may be found in one or more of the following ways:

- University discrimination complaint procedures.
- Unfair labor practice filed at the state Department of Labor Relations.
- Alternative dispute resolution.
- Civil litigation.
- Through the Massachusetts Commission Against Discrimination, the federal Equal Employment Opportunity Commission, or other state or federal agencies.
- Bargaining (either mid-term bargaining or successor bargaining).
- Group action (for example, bringing social, moral and political pressure on managerial or legislative decision-makers).