



# Grievance Procedure

**Article XI, of the National Bylaws:** “Grievance procedures shall be determined by the National Board.”

## **Grievance procedure as amended by the National Board, July 2004**

1. All grievances brought to the NOW board shall be in writing. Grievances shall contain a statement setting forth the nature and basis of the grievance, specifying who or what unit(s) of NOW have violated what specific policy, procedure, bylaw, or regulation of NOW or its various sub-unit(s); the remedy requested; and shall indicate whether, and the manner in which, all available remedies at the local, state and/or regional levels have been exhausted. All local, state and/or regional remedies must be exhausted before invoking this article unless good cause is shown why the grieving party has not done so. A copy of the grievance shall be mailed by the grievant to the party or parties against whom the grievance is filled at the same time that the grievance is filed with the national office. Grievances must be submitted within six months from the date of the grievable incident or within six months from the time that the member involved first knew or should have known of the grievable incident or from the date that all attempts at local resolution have been exhausted. Grievances shall be filed by certified mail with the Executive Committee which shall determine within 30 days after the date of receipt whether the grievance meets the requirements set forth in this paragraph. A decision by the Executive Committee not to invoke the grievance procedure for failure to meet these requirements may be appealed to the National Board. If a national officer is involved in a grievance, that grievance will go to the National Board in executive session to determine if the grievance meets the requirements set forth in this paragraph.
2. If any part of the grievance is accepted, within 7 days thereafter the Executive Committee shall serve copies of the grievances upon the sub-unit officer(s) or individual member(s) about which the grievance complains advising them that the grievance has been accepted. Service shall be by certified mail to the last known address. The grieving party or parties must be current members of NOW at all times during the grievance procedure. Should the membership of any grieving party or parties expire at any time during the grievance process, that party shall no longer have standing to utilize the grievance process nor shall any further steps of the grievance process be necessary with regard to the non-member party. (Party to be defined as an individual or group where multiple individuals are involved on a “side.”)
3. Upon receipt of a grievance which meets the requirements set forth in paragraph 1, a grievance committee consisting of three members of the National Board shall be selected to hear the grievance. Once selected, the members shall have continuing authority to serve on the committee, notwithstanding the end of their terms on the National Board. The Grievance Committee shall have full authority to hear and resolve the grievance. Each party (“side”) to the grievance shall select one member of the grievance committee and one alternate within 14

days of notification by the Executive Committee. Those Board members who are also Executive Committee members shall not be selected as members of the Grievance Committee. For purposes of this section, a party shall be deemed notified on the date actual notice is given or if notice is by certified mail, on the fourth business day following the date notice is mailed. If the grieving party fails to select a member and/or an alternate, their grievance will be dismissed. If the party being grieved against fails to select a member and/or alternate, the Structure and Process Committee of the National Board (or its successor committee responsible for bylaws issues) shall select a member and/or an alternate. The two members selected by the parties are not to function as representatives of the parties by whom they are selected, but as impartial members of the committee. The two members shall select the third member within 14 days of being notified of their selection as committee members. If the committee members are unable to reach agreement as to a third member, the National Board may select the third member, either by drawing lots or by another appropriate means. Alternates may be present at the hearing as observers. If an alternate must fill a vacancy, she/he shall have 7 days to review any/all grievance documents, minutes and/or transcripts and take up her/his duties. If necessitated by a vacancy, a new member and/or hearing date may be chosen using the procedures described herein. A vacancy may be declared by two members of the Grievance Committee or by the Structure and Process Committee or its successor if a member is unable to or fails to participate in the grievance process as outlined. Members of the Board shall disqualify themselves from the committee should they feel they have a conflict of interest. The selecting party has an additional three days to select a replacement should a member who has already been selected disqualify her/himself. The Executive Committee shall mail notice to all parties that a Grievance Committee has been selected, within 7 days of the selection of the third committee member. All of the deadlines for action within this grievance procedure may be waived by agreement of the parties. The deadlines may also be waived by vote of the National Board, upon request of the Grievance Committee. Any such waiver shall be communicated to the Committee, to all parties, and to the National Board.

4. The committee shall select a chair from its members within 7 days of the selection of the third committee member. The chair shall notify all parties of the following steps which must be followed.
  1. A. The chair of the Grievance Committee will meet with the parties involved in person or by other appropriate means to determine if the grievance can be mediated and then attempt to mediate it. The chair shall complete the mediation attempt no later than 90 days following notification that the grievance has been accepted. If no agreement can be reached by the grievance chair and the parties involved, the Grievance Committee will proceed with a hearing.
  2. B. The Grievance Committee shall after consultation with the parties set the site and time and conduct a hearing on the grievance at the earliest practicable date. The Grievance Committee shall act to set a date for the hearing no later than 30 days after the end of the attempted mediation period. The hearing shall be held in the state from which the grievance originates or in some other place acceptable to the parties to the grievance. If a date and/or site cannot be agreed upon by the parties, then the committee will notify the parties of three (3) dates/sites and will then choose the date and site based on the response by the parties. For purposes of this section, a party shall be deemed notified on the date actual notice is given or, if notice is by certified mail, on the fourth business day following the date notice is mailed. If after these procedures have been followed, a party refuses to accept the chosen date or site, the committee may deem the party to have defaulted on the grievance. The parties shall

be given notice of the date and place of the hearing at least thirty days prior to the hearing date. Changes in the hearing date may be granted by the Grievance Committee for good cause shown. Each party must bear its own expenses. Any NOW member may attend a grievance hearing as an observer.

3. C. All parties may submit documents and other materials. These documents and materials must be sent by the submitting parties to each member of the committee, each party and the Executive Committee. Documents and other materials postmarked fewer than 14 days prior to the hearing (or not submitted to the committee, each party and the Executive Committee) may be excluded from the grievance proceedings at the discretion of the Grievance Committee.
  4. D. The Grievance Committee must notify all parties if additional documents, materials or clarification are needed. A request for additional materials by the Grievance Committee may be made prior to and/or at the hearing. This material must then be submitted to the Committee, each party, and the Executive Committee and bear a postmark within 14 days of notification by the Grievance Committee. For purposes of this section, a party shall be deemed notified on the date actual notice is given or, if notice is by certified mail, on the fourth business day following the date notice is mailed.
  5. E. Each party is responsible for presenting its own case. The failure of any party to provide evidence or testimony under its control, which is requested by the committee, may be considered as a factor by the Grievance Committee in reaching its determination.
  6. F. The Grievance Committee must issue and mail a written decision within thirty days of the hearing or within thirty days of the expiration of the two week notification for submission of additional materials, whichever is later. The decision will be mailed to each party and the Executive Committee.
  7. G. The Grievance Committee may recommend to the Board removal pursuant to Article XIII, Section 2.
  8. H. Grievance committee decisions shall be made available to the National Board, and shall be retained on file with the national office for the use of future grievance committees.
5. This procedure can only be amended by 30 days' notice of the proposed change and a 3/5 vote of the National Board.