

From Current National Bylaws

ARTICLE XI. GRIEVANCES

Grievance procedures shall be determined by the National Board. The Grievance Procedure was amended by the National Board on March 12, 2022.

Grievance procedure as adopted by the National Board, March 2022

1. FILING OF GRIEVANCE

All grievances brought to the NOW board shall be in writing. Grievances shall be filed by certified mail and email with the Executive Committee. A copy of the grievance shall be sent by certified mail by the grievant to the party or parties against whom the grievance is filed at the same time that the grievance is filed with the National Action Center. From this point onwards, all communications shall be conducted by email. All parties shall provide and keep on file with the National Action Center a valid email address during the entire Grievance procedure. Failure to do so will be considered a default by the party in question and may be considered as a factor in the final decision reached regarding the grievance.

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 and/or state levels have been exhausted. Remedies should include asks from the grievant with specific actions.

All local and/or state remedies if available shall be exhausted before invoking this article unless good cause is shown why the grieving party has not done so. Grievances shall be submitted within one year from the date of the incident or the time that the member involved first knew or should have known of the incident or within ninety days from the date that all attempts at local resolution were exhausted.

2. ACCEPTANCE OF GRIEVANCE BY EXECUTIVE COMMITTEE

The Executive Committee shall determine within thirty days after the date of receipt whether the grievance meets the requirements set forth in this document. 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.

If any part of the grievance is accepted, within fourteen days thereafter the Executive Committee shall serve copies of the grievances by email upon the sub-unit officer(s) or individual member(s) about which the grievance complains advising them that the grievance has been accepted.

The grieving party or parties shall 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. FORMATION OF GRIEVANCE COMMITTEE

Upon receipt of a grievance which meets the requirements set forth earlier in this document, a Grievance Committee consisting of three members of the National Board shall be selected to hear the grievance. Those Board members who are also Executive Committee members shall not be selected as members of the Grievance Committee.

The Grievance Committee shall have full authority to hear and resolve 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.

Each party ("side") to the grievance shall select one board member who does not represent them or reside in their state to serve as a member of the Grievance Committee within fourteen days of notification by the Executive Committee. If the grieving party fails to select a member, their grievance will be dismissed. If the party being grieved against fails to select a member, the Structure and Process Committee of the National Board (or its successor committee responsible for bylaws issues) shall select a member. **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 fourteen 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 other appropriate means.

If/when necessitated by a vacancy, a new member 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 email notice to all parties that a Grievance Committee has been selected, within seven days of the selection of the third committee member. All of the deadlines for action within this grievance procedure may be waived or extended by agreement of the parties. The deadlines may also be waived by vote of the Grievance Committee. Any such waiver shall be communicated to the Committee members, to all parties, and to the National Board.

4. GRIEVANCE MEDIATION AND HEARINGS

The Committee shall select a Chair from its members within seven days of the selection of the third committee member. The Chair shall notify all parties of the following steps which shall be followed. The Committee may choose to conduct all meetings/hearings by videoconference. All meetings and

videoconferences shall be recorded. All correspondence between the Committee and parties shall be in writing and documented in case they need to be reviewed at a later date.

- 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 thirty 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.
- B. The Grievance Committee shall after consultation with the parties set the site/platform and date/time and conduct a hearing on the grievance at the earliest practical date. The Grievance Committee shall act to set a date for the hearing no later than sixty and no earlier than thirty days after the end of the attempted mediation period. The hearing shall be held in a manner/place acceptable to the parties to the grievance. If a date, method and/or site cannot be agreed upon by the parties, then the committee will notify the parties of three (3) dates/methods/sites and will then choose the date and method/site based on the response by the parties. If after these procedures have been followed, a party refuses to accept the chosen date or method/site, the committee may deem the party to have defaulted on the grievance. The parties shall be given notice of the date and method/site 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 shall bear its own expenses. Any NOW member may attend a grievance hearing as an observer.
- C. All parties may submit additional documents and other materials via email. These documents and materials shall be sent by the submitting parties to each member of the Committee, each party, and the Executive Committee. Documents and other materials submitted fewer than fourteen 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.
- D. The Grievance Committee shall 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 shall then be submitted to the Committee, each party, and the Executive Committee within fourteen days of notification by the Grievance Committee.
- E. Each party is responsible for presenting its own case. The failure of any party to provide evidence or testimony under its control, as requested by the committee, may be considered as a factor by the Grievance Committee in reaching its determination.
- F. The Grievance Committee shall issue a decision in writing, 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 shall be mailed to each party and the Executive Committee.
- G. Among other remedies, the Grievance Committee may recommend to the Board removal pursuant to Article XIII, Section 2.

H. Grievance committee decisions shall be made available to the National Board and shall be retained on file with the National Action Center for the use of future grievance committees.

5. AMENDMENTS

This procedure can only be amended by a 3/5 vote of the National Board after thirty days' notice of the proposed change.