

ARTICLE IX GRIEVANCE PROCEDURES

The purpose of the grievance procedure is to address matters involving the Budget Advocates' alleged failure to comply with the NCBA Bylaws and/or Standing Rules. A person, including any Budget Advocate, has standing to file a grievance if that person has sustained or will sustain direct injury or harm as a result of an act or omission of the Budget Advocates. Only a person who has standing shall be entitled to file a grievance; a grievance may not be filed by one person on behalf of another.

This formal grievance procedure does not apply to stakeholders who may disagree with a position or action taken by the Budget Advocates. A Stakeholder who simply disagrees with a position or action taken by the Budget Advocates has the right to share opinions during the Public Comment portion of the Budget Advocates meeting.

For the purpose of this Article, the term "Convener" shall be used to mean the Budget Advocate who oversees the grievance process as defined in this article. The Parliamentarian is the Convener unless the Parliamentarian is the subject of the grievance or has a conflict of interest. If the Parliamentarian is not available to manage a grievance, the Executive Committee selects by a majority vote a person with parliamentary, legal, or trial qualifications where at all possible to act as the Convener for the grievance in question. Every reference to Parliamentarian in this article shall be assumed to mean Convener.

In the event of any dispute over standing, the Convener shall have the discretion to decide if the person has standing to file a grievance.

For the purpose of this Article, the terms "Grievant" shall mean the party or parties alleging a grievance and "Respondent" shall mean the party or parties against whom the grievance is issued.

The grievance procedure shall be as follows:

- 1.** The grievance must be set forth in writing on the Budget Advocates grievance form that can be found on the Budget Advocates' web page and submitted to the Parliamentarian and to the Corresponding Secretary within thirty (30) days of the occurrence or discovery of the alleged incident. The grievance form must specify the remedy or remedies requested or else the grievance will not be considered. All relevant written evidence in support of the grievance that is in the possession of the Grievant at the time of filing of the grievance shall be submitted with the grievance and shall be provided by the Parliamentarian to the Respondent(s) at that time.

2. Within three (3) days of receipt of the grievance, the Administrative Secretary shall provide the Parliamentarian with a list in random order of Budget Advocates. If multiple grievances are filed within thirty (30) days, the Parliamentarian may choose to use the same list. The Parliamentarian shall announce in an email to all of the Budget Advocates that a grievance has been filed, inquire as to who among the Budget Advocates is not willing to serve on a grievance panel, and omit those names from the list. The Parliamentarian shall then select an ad hoc grievance panel composed of five (5) Budget Advocates on the list and three (3) Budget Advocates on the list as alternates, all of whom shall be notified by the Parliamentarian of their selection. The Parliamentarian shall inform Budget Advocates selected for the panel the nature of the grievance. The panelists shall have the right to accept or reject the appointment. The appointment must be rejected after consultation with the Parliamentarian by any panelist who has a conflict of interest. Those who reject their appointment shall be part of the list for future grievance panels. The selection process (going down the random list) will continue until the appropriate number of appointees is achieved. The names of the panelists shall be disclosed to the Grievant(s) and Respondent(s). The nature and subject(s) of the complaint shall not be disclosed to the Budget Advocates as a whole until the grievance panel makes its final determination.

3. Within three (3) calendar days after selection of the grievance panel, the Parliamentarian shall refer the matter to the grievance panel, providing its members with all materials received so far in support of and in opposition to the grievance.

4. The Parliamentarian shall coordinate a time and a place for the grievance panel to hear the grievance within thirty (30) days after the selection of the grievance panel. The “hearing” may be conducted virtually. The following rules shall apply to the hearing and preparation for the hearing:

a All written evidence in support of the grievance that has not already been submitted shall be submitted to the Parliamentarian (and by the Parliamentarian to the grievance panel and the Respondent(s) at least two (2) weeks before the hearing. All written evidence in opposition to the grievance shall be submitted to the Parliamentarian (and by the Parliamentarian to the grievance panel and the Grievant(s)) at least one week before the hearing. No other written evidence shall be allowed without the approval of the Parliamentarian. Evidence that is submitted after the deadline shall be delivered to the Parliamentarian who shall consult with the panel. The panelists shall determine the evidence’s admissibility. No evidence may be submitted directly to the grievance panel. All evidence must be submitted only to the Parliamentarian. Failure by either the Grievant(s) or Respondent(s) to comply with this rule shall disqualify the offender from participating in the

hearing and the evidence is not admissible. If the failure to comply with these rules is sufficiently egregious, the Parliamentarian shall have the discretion to dismiss the panel and empanel a new one. The Parliamentarian shall have the authority to exclude evidence that is not relevant to the grievance.

b The names of the witnesses who will testify at the hearing shall be disclosed to the Parliamentarian at least one week before the hearing. The Parliamentarian shall disclose the witness list to the grievance panel, Grievant(s), and Respondent(s) within one (1) calendar day. No one involved in the hearing shall attempt to influence the testimony or intimidate any witnesses. The penalty for violating this paragraph is removal from the hearing and exclusion of such evidence.

c The grievance panel shall appoint one of its members to take notes at the hearing. This may be done either before or at the hearing. Additionally, the grievance panel shall appoint one of its members to write a concise and pertinent written report of the issues to be presented and decided and the panel's collective recommendations for resolving the grievance. Again, this may be done either before or at the hearing. The note taker and the report writer may be the same person, but is not required to be so.

d All persons presenting testimony in favor of or in opposition to the grievance shall appear at the hearing, either in person or virtually. No written statements prepared in advance shall be permitted unless the person making the statement is available to be questioned at the hearing.

e The Parliamentarian shall preside at the hearing, provide direction, and resolve any disputes regarding the process, but the Parliamentarian shall not express any opinions regarding the merits of the grievance. The Grievant(s) and Respondent(s) may be present throughout the hearing. Any non-Grievant and non-Respondent witnesses shall be present only when testifying.

f After both sides have presented their evidence at the hearing, the parties shall be dismissed from the hearing and the Parliamentarian shall oversee and provide direction regarding the deliberations of the grievance panel. The panel shall reach its decision at the hearing or any mutually agreed upon continuance of the hearing.

5. Within five (5) calendar days of the conclusion of the hearing, the panel member designated to write the report of the panel shall circulate the proposed report to the other panel members and the Parliamentarian for approval by the panel members. Upon receipt of

approval by a majority of the panel members, and no later than five (5) calendar days following the receipt of the report, the final report shall be submitted to the Parliamentarian who shall place the item on the agenda for the next regularly scheduled Budget Advocates meeting provided it was received at least 72 hours in advance of the meeting. The Parliamentarian shall convey the panel's decision to the Grievant(s) and Respondent(s).

6. The Parliamentarian shall distribute a copy of the grievance panel's report and recommendations to all of the Budget Advocates via email not less than 48 and not more than 72 hours prior to the Budget Advocates meeting at which the report is agendaized. The matter shall not be discussed by anyone until the matter is heard as an agendaized item at a Budget Advocates meeting at which there is a quorum. The Budget Advocates shall either accept, reject, or modify the grievance panel's proposed resolution by a simple majority of those present and voting at that meeting. The Parliamentarian and Corresponding Secretary shall ensure that a minimal summation of the result is included in the Budget Advocates meeting minutes.