

ADMINISTRATIVE MEMORANDUM

SUBJECT Time Limits on Appeals under Section 501C(4)
of the Code

NUMBER 206

DATE September 17, 1984

At its meeting on September 14, the Board of Governors adopted the attached policy, which establishes limits on the respective periods of time within which a grievant may initiate the various stages of appeal provided for in Section 501C(4) of the Code. The policy also establishes limits on the length of time that an appellate body (e.g., President, Board of Trustees, Board of Governors) may take in deciding an appeal.

It is important that you take appropriate steps to insure that all potentially affected individuals and agencies have advance clear understanding of these requirements. Thus, since every such appeal is from a decision by the Chancellor (or his delegate, in certain instances), your notice of the disposition of a grievant's case must contain written notice as well of the time limit within which the grievant may file a petition for review by the next highest responsible body, viz., either the President or the Board of Trustees. In addition, you should assume responsibility for insuring that when a grievant wishes to appeal from a decision of the Board of Trustees, there is clear notice of the time limit for filing such a petition. Finally, those informational documents regularly published by the institution (e.g., faculty handbook, EPA non-faculty handbooks, student code handbooks, etc.) should include at their next printing an effective summary statement of these time limits, to help insure full understanding by all constituencies of the campus.

If there are questions about any aspects of these new Board regulations, please contact Mr. Richard Robinson of my office.



William Friday

Attachment

1. If the line of appeal as prescribed by Section 501C(4) is from the Chancellor to the President, and thereafter from the President to the Board of Governors:

- a. A grievant dissatisfied with the Chancellor's disposition of his grievance must file written notice of appeal with the President, with a copy to the Chancellor, within 30 days after the date of the Chancellor's decision. The schedule for perfecting and processing the appeal will be established by the President. The President will issue his decision within 60 days after receipt of the notice of appeal; provided, that if the grievant fails to comply with the schedule established by the President and thereby precludes a decision within 60 days, the President in his discretion may extend the period for decision or he may dismiss the appeal.

- b. A grievant dissatisfied with the President's disposition of his appeal must file written notice of appeal with the Board of Governors, by submitting such notice to the President, within 30 days of the date of the President's decision. If the Board agrees to consider the appeal, it will do so on a schedule established by the President, subject to any instructions received from the committee of the Board which has jurisdiction of the subject matter of the grievance. The Board will issue its decision within 90 days after receipt of the notice of appeal; provided, that if the grievant fails to comply with the schedule established for perfecting and processing the appeal and thereby precludes a decision within 90 days, the Board in its discretion may extend the period for decision or it may dismiss the appeal.

2. If the line of appeal as prescribed by the proviso to Section 501C(4) is from the Chancellor to the Board of Trustees, and thereafter from the Board of Trustees to the Board of Governors:

a. A grievant dissatisfied with the Chancellor's disposition of his grievance must file written notice of appeal with the Board of Trustees, by submitting such notice to the Chancellor, within 30 days after the date of the Chancellor's decision. If the Board agrees to consider the appeal, it will do so on a schedule established by the Chancellor, subject to any instructions received from the Board or from a committee of the Board which has jurisdiction of the subject matter of the grievance. The Board will issue its decision within 120 days after receipt of the notice of appeal; provided, that if the grievant fails to comply with the schedule established for perfecting and processing the appeal and thereby precludes a decision within 120 days, the Board in its discretion may extend the period for decision or it may dismiss the appeal.

b. A grievant dissatisfied with a decision of the Board of Trustees must file written notice of appeal with the Board of Governors, by submitting such notice to the President, within 30 days after the date of the decision of the Board of Trustees. If the Board of Governors agrees to consider the appeal, it will do so on a schedule established by the President, subject to any instructions received from the committee of the Board which has jurisdiction of the subject matter of the grievance. The Board will issue its decision within 90 days after receipt of the notice of appeal; provided, that if the grievant fails to comply with the schedule established for perfecting and processing the appeal and thereby precludes a decision within 90 days, the Board in its discretion may extend the period for decision or it may dismiss the appeal.

In each instance used, the term "days" shall mean consecutive calendar days.