

ADMINISTRATIVE MEMORANDUM

SUBJECT Implementation of Time Limits on Appeals
in University Grievance Proceedings

NUMBER 230

DATE December 9, 1985

By Administrative Memoranda Nos. 206 and 219 (copies attached) you were informed of policies adopted by the Board of Governors concerning time limits for filing and processing appeals, from one level of University consideration to the next. Those policies in their current version prescribe that an aggrieved petitioner shall file his "written notice of appeal" within 10 calendar days of receipt of notice of the decision from which he wishes to appeal. For example, if dissatisfied with the Chancellor's decision, notice of appeal must be filed with the Board of Trustees within the prescribed ten-day period. Once filed, such an appeal must be decided by the appellate body (e.g., either Board of Trustees or President or Board of Governors) within a prescribed period of time.

Concern has been expressed by members of the University community that the prescriptions concerning a ten-day limit on filing notice may be understood or interpreted to require the grievant to present his complete appellate case (i.e., appellate record, written arguments, etc.) within the ten-day period. Such was not the intention of the Board of Governors, and no such approach has been followed by this office in responding to requests for review addressed either to the President or to the Board of Governors. Rather, the consistent interpretation has been that the ten-day limit applies only to require that a simple "notice" of request for review be filed in a timely manner. Thereafter, staff of this office responds by prescribing a chronological listing of steps, and corresponding due dates, which are essential to perfection of the appeal for consideration by the appellate body, e.g., submission of the proposed record on appeal, response to such submission by the original decisionmaker, submission of stated grounds for appeal and accompanying arguments, reply by the decisionmaker, etc. Such a calendar is constructed in a manner designed to assure completion of these preliminary steps on a schedule that permits the appellate body to consider and resolve the appeal within the limited timeframe prescribed for its action.

In my view it is neither feasible nor desirable to amend the Board of Governors policy for the purpose of prescribing, step-by-step, a breakdown of time intervals for completion of various tasks essential to the perfection of an appeal.

However, to address the concern that has been expressed about the meaning and effect of the ten-day time limits, I direct you to insure that grievants who may wish to file notices of an appeal from a decision you have rendered or which has been rendered by the Board of Trustees, be informed, as a part of that decision:

(1) that a simple written notice of appeal is all that is required within the ten-day period and (2) that thereafter a detailed schedule for the submission of relevant documents will be established if such a notice of appeal is received in a timely manner. All such notices of decision are to be conveyed to the grievant by return-receipt mail.

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This type of routine reassurance should allay the concern that has been expressed about the possibility of insufficient time being accorded a grievant to make his appellate presentation



William Friday

Attachments

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.

THE UNIVERSITY OF NORTH CAROLINA

OFFICE OF THE PRESIDENT

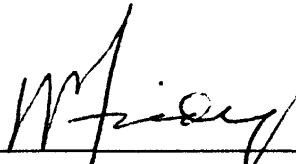
ADMINISTRATIVE MEMORANDUM

SUBJECT Revised Time Limits on Appeals Under Section 501C(4) of the Code NUMBER 219

DATE June 17, 1985

At its meeting on June 14, the Board of Governors amended its policy of September 14, 1984, concerning time limits on the processing of appeals under Section 501C(4) of the Code. The former policy on this subject was transmitted under cover of Administrative Memorandum No. 206, dated September 17, 1984. Please refer to that memorandum and the attached copy of the policy statement. The change effected by the Board of Governors is to reduce from 30 to 10 the number of days allowed a grievant to file notice of appeal from one level of consideration to the next. Thus, in sections 1.a. and b. and 2.a. and b., whenever the number "30" appears it should be changed to "10." Otherwise, the policy as originally adopted by the Board continues in effect.

If you have any questions, please contact Mr. Robinson of this office.



William Friday

APPENDIX D

RESOLUTION OF THE BOARD OF GOVERNORS REVISING THE POLICY OF THE BOARD, ADOPTED SEPTEMBER 14, 1984, CONCERNING TIME LIMITS ON APPEALS UNDER SECTION 501C(4)

The resolution of the Board of Governors adopted on September 14, 1984, concerning time limits on appeals under Section 501C(4) of the Code is hereby amended as follows:

In Section 1.a. and b. and Section 2.a. and b., the phrase "within 30 days after the date of the . . . decision" shall be replaced by the phrase "within 10 days after the grievant's receipt of the decision by registered mail-return receipt requested."