

Regulations on Time Limits on Appeals

The policy of the Board of Governors 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., the President, the Board of Trustees, the Board of Governors) may take in deciding an appeal. The policy prescribes that an aggrieved petitioner shall file a "written notice of appeal" within 10 calendar days of receipt of the notice of the decision from which the grievant wishes to appeal. For example, if dissatisfied with the chancellor's decision, notice of appeal must be filed with the Board of Trustees or President, as appropriate, within the prescribed ten-day period.

The prescriptions concerning a ten-day limit of filing notice should not be understood or interpreted to require the grievant to present a complete appellate case (i.e., appellate record, written arguments, etc.) within the ten-day period. The ten-day limit applied only to require that a simple "notice" of request for review be filed in a timely manner. Thereafter, the chancellor's or President's office responds by establishing a chronological listing of steps, and corresponding due dates, which are essential to perfection of the appeal, e.g., submission of the proposed record on appeal, response to such submission by the original decision-maker, submission of stated grounds for appeal and accompanying arguments, reply by the decision-maker, etc. Such a calendar is constructed 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 time-frame prescribed for its action.

Appropriate steps should be taken by the chancellor or, if appropriate, the President, to insure that all potentially affected individuals and agencies have advance, clear understanding of these requirements. Thus, the chancellor's or President's notice of the disposition of a grievant's case must inform the grievant: (1) of the time limit within which the grievant may file a petition for review by the next highest responsible body, namely, either the President, the Board of Trustees, or the Board of Governors, (2) that a simple written notice of appeal is all that is required within the ten-day period and, (3) that thereafter a detailed schedule for the submission of relevant documents will be established if such 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.

To insure full understanding by all constituencies of the campus, the informational documents regularly published by the institution (e.g., faculty handbook, EPA non-faculty handbooks, student code handbooks, etc.) should include an effective summary statement of the time limits established by the Board of Governors policy.

[This is a rewrite of Administrative Memoranda #206, #219 and #230.]

(Effective January 1, 2004, this regulation will be repealed.)