



NORTHEAST COALITION
OF NEIGHBORHOODS

May 4, 2016

Margaret O'Hartigan
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Ms. O'Hartigan:

On March 29, 2016, NECN received your appeal regarding your January 28, 2016 grievance against King Neighborhood Association ("KNA").

You and KNA were given notice of and invited to attend a April 7, 2016 NECN subcommittee meeting to develop a recommendation regarding this appeal for the Executive Committee, to assist the Executive Committee in its review and hearing of your appeal. You were informed that your attendance at any grievance committee meeting was voluntary and the Executive Committee would review and hear your appeal, regardless of whether you appeared at any grievance committee meeting or not. You attended the April 7, 2016 meeting and participated in it under protest.

NECN's Executive Committee reviewed and heard your appeal at its May 2, 2016 public meeting. You were present at the May 2, 2016 meeting and had an opportunity to present your appeal and supporting documentation and to answer any questions from the Executive Committee.

NECN decides your March 29, 2016 appeal as follows:

ALLEGED VIOLATIONS RAISED IN GRIEVANCE AND/OR APPEAL:

- 1. In your January 28, 2016 grievance, you alleged that KNA failed to notify you of a decision on your November 24, 2015 grievance within 60 days of the grievance.**

Decision:

(a) Timeliness: You timely grieved this issue. You filed your appeal within 14 days of the 60-day period after the expiration of the 60-day period from the filing of your January 28 grievance, and NECN will deem it timely.

(b) Alleged Violation of KNA Bylaws or ONI Standards: You contend that KNA violated KNA Bylaws Art. X, § D and ONI Standards § VII(C)(3)(c).

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(c) Personal Harm: You sufficiently allege personal harm, because you allege a violation of an asserted right to receive a timely decision from KNA regarding your grievance.

(d) Merits:

KNA Bylaws Art. X, § D requires KNA to render a final decision on a grievance and notify the grievant within 60 days. *NECN concludes that KNA violated KNA Bylaws Art. X, § D by not notifying you of a decision on your November 24 grievance within 60 days.*

ONI Standards § VII(C)(3)(c) provides that a grievance be responded to within 60 days. *NECN concludes that KNA has violated ONI Standards § VII(C)(3)(c) by not notifying you of a decision on your November 24 grievance within 60 days.*

2. You alleged that KNA failed to hold a public hearing on your January 28, 2016 grievance.

Decision:

(a) Timeliness: This issue was not grieved to KNA, but NECN will nevertheless address it. You filed your appeal within 14 days after the expiration of the 60-day period from the filing of your January 28 grievance, and NECN will deem it timely.

(b) Alleged Violation of KNA Bylaws or ONI Standards: You contend that KNA violated KNA Bylaws Art. X, § C.

(c) Personal Harm: You sufficiently allege personal harm, because you allege a violation of an asserted right to present comment and be heard regarding your January 28 grievance.

(d) Merits:

KNA Bylaws Art. X, § C provides that eligible grievances shall be reviewed by a Grievance Committee and that the Grievance Committee shall hold a public hearing on such grievances. The January 28 grievance appear to be an eligible grievance, and ONI's March 12, 2016 decision appears to interpret KNA's bylaws as requiring a public hearing on such a grievance, at least in the absence of a KNA decision that it is an ineligible grievance. *NECN therefore concludes that KNA violated KNA Bylaws Art. X, § C by not holding a public hearing on your January 28, 2016 grievance.*

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3. You alleged that KNA failed to notify you of a decision on your January 28, 2016 grievance within 60 days of the grievance.

Decision:

(a) Timeliness: This issue was not grieved to KNA, but NECN will nevertheless address it. You filed your appeal within 14 days of the 60-day period after the expiration of the 60-day period from the filing of your January 28 grievance, and NECN will deem it timely.

(b) Alleged Violation of KNA Bylaws or ONI Standards: You contend that KNA violated KNA Bylaws Art. X, § D and ONI Standards § VII(C)(3)(c).

(c) Personal Harm: You sufficiently allege personal harm, because you allege a violation of an asserted right to receive a timely decision from KNA regarding your grievance.

(d) Merits:

KNA Bylaws Art. X, § D requires KNA to render a final decision on a grievance and notify the grievant within 60 days. *NECN concludes that KNA violated KNA Bylaws Art. X, § D by not notifying you of a decision on your January 28 grievance within 60 days.*

ONI Standards § VII(C)(3)(c) provides that a grievance be responded to within 60 days. *NECN concludes that KNA has violated ONI Standards § VII(C)(3)(c) by not notifying you of a decision on your January 28 grievance within 60 days.*

RECOMMENDATIONS:

NECN trusts that, in light of the recent recommendations and guidance provided by NECN and ONI in their decisions on your previous appeals, KNA will comply with its bylaws in responding to any future grievances that you file against KNA and hold public hearings on grievances unless the KNA Board determines at a public meeting that the grievance is not eligible. NECN directs KNA's attention to Attachment 1 to ONI's March 12, 2016 decision, a copy of which is attached here for convenience.

NECN also recommends to KNA that it be mindful in the future that, under its bylaws, its grievance committee does not have executive authority and cannot make decisions for KNA, including regarding a grievance's eligibility. The KNA grievance committee can, however, make advisory recommendations to the KNA Board.

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NECN recommends that, in the future, the KNA Board notify the grievant of a written decision within 60 days, even if KNA concludes that the grievance does not meet the requirements of the KNA Bylaws or the ONI Standards. NECN recognizes that it can be extremely difficult to schedule the meetings necessary to fully process a grievance within 60 days. If KNA is unable to finalize a decision on a grievance within 60 days, NECN recommends that KNA notify the grievant that it is still considering the grievance and provide an estimated date by which KNA will issue its final decision.

This letter constitutes NECN's decision of your March 29, 2016 appeal.

Regards,

A handwritten signature in black ink, appearing to read "Alan Silver", with a long horizontal flourish extending to the right.

Alan Silver
NECN Executive Committee Chair

Enclosure

cc: Nick LaRue, KNA Chair

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ATTACHMENT 1

Guide to KNA Minimum Required Grievance Process Procedures

1. KNA Board receives proposed grievance.
2. KNA Board or designee reviews proposed grievance and determines whether it meets the minimum requirements to be considered "valid" and for the process to continue, including:
 - Written (hard copy or via email)
 - Submitted within 45 business days of the alleged violation
 - Identifies specific provisions of the KNA Bylaws and/or the ONI Standards that are alleged to have been violated
 - Describes how the provisions were violated
 - Describes how alleged violation harmed the grievant
3. Formal Grievance Process:
 - KNA Board appoints KNA Grievance Committee
 - Grievance Committee reviews grievance to determine whether alleged procedural violations occurred.
 - Grievance Committee holds a "public hearing" at which the grievant and others can present relevant comments and "be heard."
 - Grievance Committee develops findings and recommendations and forwards them to the KNA Board.
 - KNA Board considers the Grievance Committee findings and recommendations and takes action at a "meeting open to the public" (e.g. a regular or specially-scheduled board meeting)
 - KNA Board can deliberate in executive session but must take action and state the reasoning for the action in a meeting open to the public.
 - KNA Board notifies—in writing (hard copy or email)—the grievant of the board's findings and recommendations.
 - Notify the grievant as soon as possible after the board decision to avoid eating into the 14-day period within which the grievant can file an appeal.
 - KNA must review and render a final decision on the grievance within 60 calendar days from the date the KNA Board received the grievance.

Sources:

- KNA Bylaws (July 9, 2014); ONI Standards (2005)