

MNA grievance report
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January 8, 2018

MNA bylaws Article X - Grievance Process

Sec. 4 - Initial Review and Response

The board or board's designee will review the proposed grievance and determine whether it meets the criteria for a grievance as defined in this article. If the proposed grievance is found not to meet the criteria, the board or its designee will inform the grievant in writing of this determination and the reasons for the determination. If the proposed grievance is found to meet the criteria, the review process continues.

Criteria:

1. Grievances must be submitted in writing within 45 days of the alleged violation.
2. A grievance must identify the date of the action being grieved and the provision of the association's bylaws or the ONI standards which allegedly were violated, describe how the provision was violated and how the grievant was harmed by this action, and identify the remedy the grievant is seeking.

On December 8, 2017 a grievance was submitted by email by Angela Todd and list of attached co-grievants. The cover letter notes that violations cited occurred more than 45 business days prior to the submission of the grievance and cites Oct. 9th as the latest date of violations. The MNA Elections occurred on Oct. 9th, 2017.

Violation #1

Allegation: MNA Board violated Article IV, Section 3 by allowing people from becoming members on a same-day basis on Oct 9th.

Article IV, Section 3 - Dues or Fees. Dues or fees shall not be required.

(It is assumed that the authors meant Article IV, Section 2 which is misnumbered in the printed version of the bylaws.)

Article IV, Section 2 - Consent. An eligible person shall become a member of the association by providing written consent in accordance with the procedures established by the association.

Criteria:

1. The decision to hold a membership meeting on October 9th, 2017 was made by the Board during their Sep. 11th Board Meeting. If the violation was the decision made in Sep. then the grievance is outside the allowable review time. If the violation is the actual meeting held on Oct. 9 then the grievance meets this criteria.
2. The violation does not list a date of violation. The requirement of a stated date of the violation is to prevent the ambiguity noted in the first criteria. The grievance states that

the article was violated per prior board policies without citing any prior board policies. The grievance claims harm to candidates and proposes remedy.

The violation does not meet the grievance criteria and should not proceed.

Violation #2

Allegation: MNA board violated Article VII, Section 1 by failing to identify the scope of the of the committees authority, duties, number of members, and appointment of committee's membership.

Article VII, Section 1 - Establishment of Committee's. The board may establish standing and ad hoc committees as it deems necessary and desirable. Such committees may be advisory to the board or may exercise the authority of the board. Upon establishment of any committee, the board shall identify the scope of the committee's authority and duties and the number of members and appoint the committee's membership.

Criteria:

1. The MNA formed an election committee on Aug. and heard reports from the committee at the Sep. 11th meeting. The decision by the board in Aug/Sep is outside of the 45 days.
2. There is no date listed as the violation so it is not possible to tell which specific action is being grieved. The grievance lists harm and remedies.

The violation does not meet the grievance criteria and should not proceed.

Violation #3

Allegation: MNA Board violated Article VII, Section 3 by allowing an already established committee to exercise Board authority and by having authority to expend an abnormally large amount of the association funds without any board approval.

Article VII Section 3 - Committees with Board authority. Any committee that exercises any of the authority of the board shall be composed of two or more directors, elected by a vote of all directors. All members of a committee with board authority shall be members of the association. Committees with board authority must abide by the requirements of the board regarding open meetings, notification, public records, and quorum.

Criteria:

1. The violation refers to the actions of the elections committee which was established in Aug. and functioned until the Oct. 9th election. The grievance meets this criteria only if one considers the day of the election, when the committee completed its charge.
2. There is no date cited for the violation outside of the cover letter note of the election. The grievance states the article is violated by the exercise of Board authority by the committee. The grievance states harm and remedies.

Violation can proceed.

Violation #4

Allegation: MNA Board violated Article VIII (a) by not giving seven days notice for the annual meeting.

Article VIII (a): The annual meeting of the membership shall be held each year in the month of October or on a date set by the Board. The business of the annual meeting shall include a report from the board on the state of the association, and the annual election of directors to the board. Notice to members must be provided at least 7 days in advance or 30 to 60 days in advance if by other than first class mail or registered mail.

Criteria:

1. The meeting was Oct. 9th which is within the 45 days.
2. The grievance mentions the annual meeting and is assumed to refer to Oct. 9th. It describes how the article was violated. It notes harm and remedies.

Violation can proceed.

Violation #5

Allegation: MNA Board violated Article IX Section 1 by allowing election committee to conduct elections without a proposed plan and exercised Board authority.

Article IX Section 1 - Annual Elections and steering committee

Criteria

1. The Oct. 9th election is within 45 days.
2. The grievance notes the annual elections. There is a description of how the article is violated. The grievance notes harm and remedy.

Violation can proceed.

Violation #6

Allegation: MNA Board violated Article XII by considering a motion whereby the secretary should have stated a conflict of interest.

Article XII: Conflict of Interest - To protect the integrity of the associations decision making processes, Directors will disclose to the Board any interest they have in a transaction or decision of the board that may result in a financial benefit or gain to them and/or their business, family members and/or significant other, employer, and/or close associates, or other nonprofit organizations with which they are affiliated. The director will not be present for or participate in any board discussion of or vote on the transaction or decision.

Criteria

1. There is no date of violation cited in violation nor cover letter. This criteria is not applicable.
2. There is no date of violation cited in violation nor cover letter. It describes how the article was violated. It does not cite any harm caused. It does note remedy.

The violation does not meet the grievance criteria and should not proceed.