

# **Grievance Policies**

## **I. GRIEVANCE PROCEDURE –**

The following sections are the procedures for a duly registered official/member of the East Coast Basketball Officials Association (ECBOA) to initiate a grievance against policy and procedures of the ECBOA, or another official/member within the ECBOA

## **II. PURPOSE –**

The purpose of these provisions is to prescribe in detail the procedure whereby an official/member can initiate a grievance against the ECBOA.

## **III. COMMITTEE –**

The Grievance Committee shall consist of a non-voting Board Liaison a Chairperson, and 2 Members. The Chairperson and 2 Members shall be appointed in accordance with ECBOA bylaws.

## **IV. DEFINITIONS –**

A grievant shall mean a registered, active member in good standing making an allegation of a violation, misinterpretation, or misapplication of the specific Association/Board adopted policies and/or constitution.

A grievance shall mean an allegation by a grievant that a specific provision (or a lack of a provision) in the policies and/or constitution of the Association/Board has been violated, misinterpreted, misapplied (or simply not addressed).

Days shall mean business days, excluding nationally recognized holidays, unless otherwise specified in these procedures.

The Executive Board as defined in the ECBOA bylaws.

Any action(s) taken against an official and/or member who becomes a grievant shall clearly indicate the action(s) taken, the policies and/or by-laws that were allegedly violated that led to the action(s), and the grievant's right to a grievance hearing.

## **V. LIMITATIONS –**

All formal grievances shall be initiated by a grievant within five business (5) days of the date such grievance is discovered, he/she is notified by any member of the Board, or reasonably should have been discovered. A grievance not presented in accordance with the foregoing shall be considered waived by the grievant and will be denied. The grievance procedures herein shall be the method by which grievances are resolved. The Grievance Committee reserves the right to reject a grievance outright if the grievant files a second grievance on the same incident or offense during the same season.

## **VI. INFORMATION PROCEDURES –**

A grievant shall attempt to resolve the situation by an informal conference with the appropriate Association/Board officer(s) or designee(s).

Two business (2) days shall be allowed for this informal process and possible resolution.

A grievance involving more than one member, shall be dealt with as one grievance, unless separate and specified allegations are evidenced by the grievance.

## **VII. FORMAL PROCEDURE –**

Within the designated time period the grievant shall present in writing the specified allegations in writing to the Grievance Committee.

The following procedure shall be used for all grievances:

- a) A written request for a grievance hearing that includes the reasons for the grievance shall be delivered to Chairperson of the Grievance Committee within seven business (7) days of the disciplinary action or other act or condition that is the subject of the grievance. The grievant must state exactly what the grievance is and shall include a proposed resolution to the grievance. The grievant is encouraged to cite specific policies and/or bylaws that are alleged to have been violated.
- b) The Grievance Committee Chairperson shall immediately notify the grievant of the filed grievance. The Chairperson will forward any grievance submitted to other members of the committee, and the Board liaison as soon as realistically possible. The Chairperson shall convene the Committee to determine if the grievance is in good order. If the Committee determines that the grievance is in good order, every effort shall be made to schedule a meeting within seven business (7) days after receipt of the grievance. The Grievance Committee shall offer up to five (5) dates and times for a hearing based on availability. If the grievant rejects all dates, the grievance will be denied.
- c) At the discretion of the Grievance Committee, all parties involved may "convene" via email, phone conference call, Zoom (or other video call service), or in person. Should any of the parties involved be a member of the committee, the Board President will select a substitute to sit on the committee. If logistics or holidays prevent the grievance from being heard within these time guidelines, every attempt will be made to schedule the hearing at the earliest convenience. If two members of the Grievance Committee are present in person, the meeting can be convened as long as the third member of the Grievance Committee can participate via phone or video conferencing.
- d) All parties may bring a witness to observe the proceedings upon Grievance Committee approval of said witness. The witness will observe only, and under no circumstances will the witness participate in the grievance process unless so asked to do so by the Grievance Committee.
  - e) Within seven business days of receipt of the written hearing request the Chairperson shall convene the Grievance Committee for the hearing. The grievant, and Grievance Committee representatives shall be present during the hearing. A simple majority vote by the Grievance Committee shall determine whether the grievance is sustained or denied.
- f) If the Grievance Committee rules in favor of the grievant by reversing or otherwise altering the decision or action of the ECBOA Board's initial decision, the decision is final and the recommendation of the Grievance Committee shall be enforced.
- g) If the Grievance Committee denies the grievance, its decision is the final decision except in the following situation: If the grievant has evidence that the Grievance Committee failed to follow the rules and procedures set out in these By-Laws, or the Florida High School Athletic Association (FHSA) he or she may appeal to the Executive Board, on that ground alone.
- h) In cases to be heard by the Executive Board, each party may submit a written statement to be considered by the Board. The President shall convene a meeting of the Executive Board, or a discussion of the matter by the Board through email, within seven days of receipt of the request for an appeal to the Board described above. No new evidence may be presented at the Board appeal except upon a finding by the Board that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence at the hearing before the Grievance Committee. The Executive Board shall issue its decision in writing and email and mail it to all parties within five days of the completion of its meeting to consider the grievance appeal. The decision of the Executive Board shall be the final decision.

i) If the final decision of the Grievance Committee or Executive Board according to process set out in these By-Laws is to overturn a grievant's suspension or termination, the grievant shall not be entitled to any compensation or other damages for any lost game assignments.

j) Records shall be kept on all appeals and hearings and maintained for at least four years by the Chairperson of the Grievance Committee, and given to the Board secretary who shall also maintain for four years. The secretary must pass this information on to his or her successor.

k) The Committee shall determine whether the ECBOA Constitution, By-Laws, Policies and Procedures in addition to the FHSAA Policies and Procedures have been fairly administered and interpreted. Cases may involve financial payments, organizational advancement, adherence to professional standards, or disciplinary actions. The Committee shall have the authority to hear grievances, and make recommendations to the President regarding their resolution. The Committee will not substitute its judgment on such matters for those of a regularly constituted ECBOA authority.

l) At no time shall a member attempt to discuss grievances during regular meetings or clinics.



Joe Erwin, President

Approved by Board on May 15, 2024