

KUNM GRIEVANCE PROCEDURE

July 1, 1998

1. Purpose

1.1 The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to individual grievances which may arise regarding terms and conditions of volunteer participation at KUNM.

1.2 The parties to any dispute between a paid staff member and a volunteer may, by mutual agreement in writing, ask the UNM Dispute Resolution Office to provide assistance in resolution of the dispute by mediation or other facilitation. If the parties elect to handle a grievance or dispute in this manner, use of the Dispute Resolution Office shall be the only remedy for the subject matter of the grievance, and no appeal to the Radio Board (Step 2) may be taken.

2. Definition

2.1 A grievance shall be defined as a complaint by a volunteer of KUNM that he/she has been adversely affected by a violation of KUNM's procedures, policies, or practices regarding terms and conditions of volunteering.

2.2 If there is a serious question whether the subject matter of a grievance meets the requirements of Sec. 2.1, either the General Manager or the aggrieved volunteer may request, in writing within 10 working days after the filing of a grievance, that the Radio Board review that issue in executive session at its next scheduled meeting. Both the General Manager and the volunteer may be present during the discussion by the Board, and for the purpose of a determination of this preliminary issue, the Board shall review only the facts contained in the written grievance, in the light most favorable to the aggrieved party. All time limits contained in the Grievance Procedure are tolled until a final decision by the Board. By mutual agreement in writing, the parties may refer this preliminary issue to the Personnel and Grievance Committee of the Board for a decision before the next scheduled meeting of the Board.

2.3 If the Board (or the Personnel and Grievance Committee) finds that the subject matter meets the definition in Sec. 2.1, then the grievance shall proceed in the manner outlined in Step 1. If the Board (or the Personnel and Grievance Committee) finds that the subject matter does not meet the definition in Sec. 2.1 and dismisses the grievance, the aggrieved volunteer may appeal that determination in the manner prescribed in Sec. 5.1 of this procedure.

As used in the Grievance Procedure, the term "working days" refers to any calendar day which is not a weekend day, a holiday observed by the university for all employees, or an official closure of the University, as defined by the academic year schedule published by the University Secretary.

3. General Provisions

3.1 A grievance must contain a statement of the grievance; the circumstances upon which it is based; the KUNM policy, procedure, or practice allegedly violated; and the remedy being sought.

3.2 Grievances must be filed within 15 working days following the act being grieved or discovery of the circumstances which gave rise to the grievance. (The General Manager shall hear the grievance unless the General Manager is the subject of the complaint, in which case the aggrieved and the General Manager shall agree on a member of the Radio Board to informally mediate between the aggrieved and the General Manager. If the aggrieved volunteer and the General Manager cannot agree on a mediator within five working days from the filing of the grievance, then the chairperson of the Radio Board will appoint a mediator to hear the first step of the grievance.)

3.3 Except in the case of an alleged violation which places KUNM's FCC license in jeopardy, the Provost or designee shall decide whether the suspension or dismissal of a volunteer will, at the aggrieved's request, be postponed pending the outcome of the grievance procedure.

4. Steps in the Grievance Procedure

4.1 Step 1

4.1a. A grievance is to be submitted in writing by the aggrieved volunteer to the station General Manager or designee within 15 working days following the act of being grieved or discovery of the condition which gave rise to the grievance. A copy of the written grievance shall be submitted to the KUNM Radio Board.

4.1b. The General Manager or designee will coordinate investigation of the charges and attempt to mediate the dispute. The station manager shall hold an informal meeting with the aggrieved volunteer. A period of ten working days from the date the General Manager or designee receives the grievance in writing (or from the date the Radio Board Chair appoints a member of the Board as the mediator) shall be allowed for this mediation effort; unless both agree in writing to an extension.

4.1c. If the grievance is resolved to the satisfaction of the parties, the General Manager or designee will prepare a report to the resolution, provide written notice to all involved parties, including the aggrieved volunteer and the chair of the KUNM Radio Board. At this point the grievance will be considered closed.

4.1d. If the grievance is not resolved to the satisfaction of all parties, the General Manager or designee will prepare a report stating that the Step 1 mediation effort has been concluded without resolution. Copies of the report will be provided to the members involved in the grievance, including the Radio Board Chairperson. The aggrieved volunteer may then appeal to Step 2.

4.2 Step 2

4.2a An appeal to Step 2 of the grievance procedure must be filed in writing by the volunteer to the General Manager or designee within five working days from receipt of the Step 1 report. The failure to appeal within one week will constitute forfeiture of the right to appeal, and the grievance will be considered closed.

4.2b. The grievance shall be heard by a due process board comprised of three members selected from the KUNM Radio Board. Related grievances may be consolidated for hearing in the discretion of the Radio Board.

4.2c. The selection will be made in the following order: (1) the aggrieved volunteer shall select one Radio Board member at the time of the filing of the appeal in Sec. 4.2a, or within five working days thereafter; (2) the General Manager or designee shall select one Radio Board member within three working days after the selection by the volunteer; and (3) the third member shall be selected from the Radio Board by mutual agreement of the two members selected by the parties within five working days thereafter.

4.2d. The due process board shall hold a formal hearing within ten working days after the General Manager certifies in writing to the Provost or designee that the hearing committee has been formed in compliance with Sec. 4.2c, unless an extension is granted by the Provost or designee. The board may call and examine witnesses and may obtain other testimony or factual evidence from any current KUNM volunteer or paid staff member as the board determines necessary for clarification of the grievance issues. The board will render its opinion within five working days and convey its opinion, in writing, including a statement of its reasons, to the aggrieved volunteer and other involved parties, including the station management, chairperson of the KUNM Radio Board, and the Provost or designee, by the end of that time period.

5. Step 3, Final Appeal

5.1 Either the aggrieved volunteer or the General Manager may appeal an adverse final decision of the due process board to the Provost or designee. The appeal to the Provost or designee must be made in writing, including a statement of his or her reasons, within five working days of the decision by the due process board. All written materials shall also be forwarded to the Provost or designee. The decision of the Provost or designee shall be rendered within ten working days, and that decision will be final, that is, there shall be no further appeal as a matter of right.

6. Rights, Responsibilities, Contracts

6.1 Nothing in the foregoing grievance procedure shall be construed as a restriction of the university's or station management's authority and responsibility to make all decisions concerning the management and operation of KUNM consistent with the Regents' policy then in force and as required by the FCC.

6.2 Revisions to this procedure may be made by the Provost or designee after consultation with the Radio Board at a regularly announced open meeting and notice to and consultation with volunteers.

6.3 This document cannot be unilaterally revised or rescinded except by action of the Regents. Any further revisions to this policy will not affect the processing of grievances pending at the time of the revision.

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