

Grievance Procedure Clause

a grievance clause from a national governing body's bylaws, checked against the association's own record of how the process actually runs | Marked-up specimen

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A bylaw promising prompt and equitable resolution without naming who decides, by when, or what the outcome can be.

ORIGINAL, WITH EDITS MARKED

SPECIMEN, PREPARED BY EDITFAST FOR ILLUSTRATION. NOT A REAL BYLAW.

Prepared for the Fernbrook Athletic Association (fictitious), draft bylaw article 9

EXTRACT FROM THE ASSOCIATION'S RECORD (reproduced unchanged in both panels)

AR-1 Grievances are heard by a three-member panel appointed by the board from a standing list.

AR-2 The panel is required by board resolution to issue a written decision within 30 days of the hearing.

AR-3 A grievance must be filed within 21 days of the decision complained of.

AR-4 The panel may uphold the grievance, dismiss it, or remit the matter to the committee that made the decision.

AR-5 The association's record does not say whether a panel decision may be appealed, or to whom.

AR-6 The association uses the word member throughout its bylaws to mean an individual member, and the word club for an affiliated organization.

ARTICLE 9. GRIEVANCES

9.1 The Association shall provide for the prompt and equitable resolution of grievances of its members.¹

9.2 Any member who is aggrieved may bring the matter to the attention of the Association, which will deal with it appropriately and in a timely fashion.²

9.3 The decision of the Association shall be final.³

WHAT CHANGED, AND WHY

#	Was	Now	Reason
1	9.1 The Association shall provide for the prompt and equitable resolution of grievances of its members.	9.1 The Association provides for the prompt and equitable resolution of grievances of its members under this Article.	The words track 36 U.S.C. 220522(a)(14), which is what the paragraph asks the organization to provide. The added closing phrase points a reader to where the procedure is, because the clause otherwise restates the requirement without locating the answer.

#	Was	Now	Reason
2	9.2 Any member who is aggrieved may bring the matter to the attention of the Association, which will deal with it appropriately and in a timely fashion.	9.2 A member may file a grievance within 21 days of the decision complained of. / 9.3 A grievance is heard by a panel of three members appointed by the board from a standing list. The panel issues a written decision within 30 days of the hearing. / 9.4 The panel may uphold the grievance, dismiss it, or remit the matter to the committee that made the decision.	AR-1 through AR-4 record a deadline to file, a decision-maker, a deadline to decide, and the outcomes available, none of which reached the bylaw. Appropriately and in a timely fashion name no period a member can count and no body a member can address. AR-6 records that member means an individual, so aggrieved member is used rather than a broader term.
3	9.3 The decision of the Association shall be final.	[Query to the association: AR-5 records nothing about whether a panel decision may be appealed. The draft said the decision of the Association shall be final, which is a statement about appeal rights, and it has been left out rather than reworded. Where an appeal exists, this Article is where a member would look for it.]	Whether a decision may be appealed is the association's to settle, and the record does not settle it. The draft also attributed the decision to the Association while AR-1 records a panel, so the sentence named the wrong decision-maker as well.