

RESPONSE TO MOTION FOR ADJOURNMENT

Heather Roe, UMPNC-MNA Member

Complainant,

-and-

Katie Oppenheim, UMPNC-MNA Member

Accused.

Ms. Oppenheim, through her member representative, Becky Mammel, has filed a request to adjourn the upcoming hearing scheduled for December 17th to a later date due to a conflicting medical procedure which overlaps the day in question. Mammel indicates further that January 21st or 27th are acceptable alternative dates for Ms. Oppenheim. The hearing was recently re-scheduled by the Executive Committee due to COVID-19 infections to the date of December 17th. That date was selected in order to provide Ms. Oppenheim the requisite 21 days' notice of her hearing after an earlier proposed date of December 10th was not accepted by Ms. Oppenheim. In light of the fact that the hearing had been re-scheduled to accommodate medical concerns of the Executive Committee, it seems equitable to extend the same courtesy to Ms. Oppenheim and her member representative.

The only available date for the Executive Committee is January 21st. While the Executive Committee does possess the authority to unilaterally schedule the date of the hearing, we are required by Article VIII Section (g)(1) of the MNA Constitutional Bylaws Procedures to schedule and conduct a full and fair hearing within 45 days after receipt of the Impartial Committee's recommendation for charges. January 21st is past that required timeline. The 45 day requirement is a member right, afforded by the procedures, to a timely hearing of charges for both the Accused and Complainant. It can, however, be waived if both parties explicitly agree to do so. If each party wishes to waive that right they must sign and return the attached waiver. If both waivers are received, the hearing shall be rescheduled to January 21st. As evidentiary lists are due tomorrow we ask that the parties sign and return the waivers today. If signed waivers are not received today the hearing will remain scheduled on December 17th.

If both parties sign the waivers we strongly encourage both parties to consider using the time prior to the hearing to engage in mediation, especially in light of the ongoing pandemic, to see if a mutually agreeable resolution can be reached prior to a hearing. As in past impartial proceedings, MNA is willing to provide a mutually selected mediator to the parties at no cost.

MNA Executive Committee

WAIVER OF HEARING TIMELINE

I hereby waive my explicit right under the MNA Constitutional Bylaws Procedures to a hearing within 45 calendar days of the recommendation of the Impartial Committee in the matter of Roe v. Oppenheim.

Party Name

Date