

Grievance Escalation Procedure

(Created 03/25/2015)

Background

All members are encouraged to participate in the governance of the Buck Mountain community. They may do this by becoming candidates for a seat on the Board of Directors or by serving on one of its permanent committees (Finance, Roads, and Parks/BMRC). Members also have the ability to stay involved by attending open Board meeting held at least four times per year.

As in any organization, the possibility for conflicts to arise is certain. The mountain community often communicates via email and word of mouth passed from individual to individual. While these methods may be convenient for members, they are often ineffective at getting the underlying message communicated accurately and consistently throughout the community, which can lead to conflict and misunderstanding between the elected governing team and its members.

Members, as individuals or groups, may utilize the *Grievance Escalation Procedure* as a method of resolving disputes or issues with the governing body of the association. It is intended to provide an independent, unbiased and professional method of resolving tough complaints. This procedure is created to ensure all members of the association have access to this independent service, but only after following more traditional attempts to resolve their issues with community leadership. The procedure is also intended to keep expenses to a minimum while recognizing the need for professional mediation and assistance in preventing issues from becoming divisive and morphing into costly legal proceedings.

Process

1. The member must submit their grievance or issue in writing to Board of Directors, via the Secretary or President. The grievance should state in writing the unresolved issue or complaint, and document completely any prior communications with officers of the association, the Board Directors or any of its committees relating to the issue at hand. The original grievance submission must be done by email or by postal letter addressed to the Secretary or President. The communication must indicate that the submission is to be considered an official grievance under the Grievance Escalation Procedure.
2. The Board has 45 days to respond to this written request. This time period is to allow the Board to address the issue at its next monthly Board meeting, which due to scheduling could be as much as six weeks removed from the date the grievance is submitted.
3. If the above deadline is missed, the response is not provided by the Board within five days after the scheduled Board meeting, or the explanation or proposed resolution is not acceptable to the member then the original submission, along with any written response provided by the Board, shall be forwarded (by either the Board or the member) to the Mediator retained by the association to help resolve disputes.

The Mediator is instructed to not accept any requests for grievance escalation unless the complaint has been submitted by the member according to the above process. Any mediation charges incurred after failure to follow this process shall be born exclusively by the member.

4. The Mediator will determine the actions required to move towards resolution, including conducting one or more telephone interviews and meetings with those involved.
5. The Mediator will, at the conclusion of the process, issue an opinion regarding the grievance should the parties not come to an agreeable solution. The Mediator's unedited opinion, which will include a synopsis of the facts of the situation as determined by the process, will be published to the community via the association website and electronic communications.
6. Groups of members may choose to utilize this procedure, provided they select at most three spokespersons and the original submission identifies all members of the group consenting to be represented by the spokesperson(s).
7. The following mediation expenses will be paid by the association:
 - a. The initial review of the grievance and consultation with the submitting member, up to 30 minutes per calendar year per member. This is intended for the grievance process to be free for members, but to act as a deterrent for those members wishing to abuse the process and cause the association to needlessly incur excess mediation expenses.
 - b. All expenses relating to the Mediator's consultation with an Officer of the association or member of the Board of Directors relating to the grievance, and the review of evidence or documents submitted by the association.
 - c. The cost of any resolution meeting called by the Mediator, including the Mediator's fees and travel expenses and facility rental.
 - d. The Mediator's cost of preparing a final opinion, if the dispute remains unresolved.
 - e. The cost of communicating the Mediator's final opinion to association members per the process outlined above.

The member submitting the grievance will be responsible for all costs, paid directly to the Mediator and not to or through the association, for the member's consultation with the Mediator (and the Mediator's charges to review items submitted by the member) **in excess of 60 minutes** per calendar year. If the Mediator finds the Board to be negligent in responding to the concerns or substantially responsible or at fault, the Mediator may direct the association to reimburse the member for all costs paid to the Mediator in pursuing the action.

8. The Board of Directors shall select a mediator annually, and post the selection on the association's website.

For the calendar year 2015, the mediator appointed by the Board is:

Mrs. Attorney
123 Anywhere Street
Lawsville, NC 29999