

# DISPUTE RESOLUTION POLICY

The members of the Seacoast Garden II Association's Board of Directors "The Board or BOD" are seated by being elected by the general members of the Association. The Board is then charged with making decisions it believes are in the best interest of the Association. This includes appointing other non-board members to various committees – both temporary and standing - which from time to time, at The Board's direction, research, investigate, and study various issues before The Board and then present and make recommendations for The Board's consideration and action. Both BOD members and committee members put in considerable hours wholly on a volunteer basis without any compensation.

A key factor in the functioning of any BOD and/or committee is the comradery amongst its members and the high level of morale it should produce. From time to time there will be clashes and angst as opposing opinions duel during discussions and other interactions. While it is expected that all will conduct themselves in a fully respectful manner, sometimes circumstances may get unwieldy and thereby unmanageable.

In order to prevent any open discussion on sensitive and personal matters regarding a dispute between the members of SCGIIBOD, and/or it's duly appointed committee members, and/or vendors and the personnel of vendors, being aired in a public forum where unsubstantiated accusations, rumor and innuendo are free to roam; The Board hereby adopts the following policy Dispute Committee Policy.

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## **A. The Dispute Resolution Committee.**

1. The Dispute Resolution Committee ("Committee") shall consist of two (2) Board Members and one (1) non-Board Member. The non-Board Member must be a member of the Association and may be a member of any other committee(s) but may not be a connected with any Association-contracted vendor (sub-contractor, employee, etc.).
2. All three members shall be appointed by The Board.
3. The Chairman must be a Board Member.

## **B. Communications.**

1. Because these matters revolve around personnel matters, all portions of the Dispute Resolution Procedures shall remain confidential and within the confines of those involved and the Board of Directors. Only the President of the Association shall provide details, if any, to any party outside the dispute, and only with the approval of the BOD.

2. All written communications shall be via email only. No handwritten or typed paper requests, replies or rebuttals shall be accepted (except as evidence as outlined below). No texts shall be accepted. The timestamp for day and time on an email shall be used to date any communication and such timestamp for the email being sent shall constitute the day and time of delivery and receipt.

### **C. Dispute Resolution Procedures and Cases.**

#### **1. Who May Request.**

Any Board Member or duly appointed Committee Member, or duly contracted Vendor may open a Dispute Resolution Case (“DRC”) at any time. This process is not open to general members of the Association. No DRC may be opened as a result of any ruling made in a previous DRC.

#### **2. How to Request.**

To open a DRC, any of the above shall provide a written request delivered to both the President of the Association and the Chairman of the Dispute Resolution Committee. If either of these individuals is involved in the DRC request, they shall immediately recuse themselves. The President shall direct the request be delivered to the Vice President. The Chairman shall be directed to deliver the request to another member of the committee which shall be named by the Chairman. All written notices and requests required in these procedures shall be via email only. No handwritten or typed requests or responses made on paper or texts or voicemails shall be accepted. Evidence shall be scanned to a .pdf where possible but may be accepted in other formats on a case-by-case basis.

#### **3. Requirements for a Request.**

The written notice must contain no less than the following to be considered. The request to open the DRC shall be summarily denied if **any** of the following are not included or not accounted for as to why they/it are/is not included in the written request.

a. A complete account of the reason(s) for the request, including timelines, shall be clearly and concisely stated;

b. All facts shall be included. Innuendo, rumor and hearsay shall not be included and if included, shall be given no weight;

c. All evidence shall be listed or included support the facts cited. Facts without support evidence listed or included shall be considered innuendo, rumor or hearsay and be given no weight. Evidence examples include emails and written communications, receipts, written documents, and on-the-record verbal accounts given at a DRC meeting (see below) by any third parties involved;

d. The goal of opening the DRC, if granted, is to be clearly stated. That is – by opening the DRC – what is to be accomplished or what would resolve the situation satisfactorily. There is no guarantee that whatever goal stated will be the outcome.

e. Any request which in which the last incident involved in the timeline is older than one (1) year prior to the date of the request shall be summarily denied.

#### **4. Processing and Sufficient Cause.**

Within twenty (20) days, the Committee shall decide whether the request is complete and there is sufficient reason or cause to open a DRC in accordance with (a)-(c) below. Failure of the Committee to

respond timely or provide a ruling timely shall be treated as an affirmative and the DRC request shall be deemed granted.

a. In cases where the request does not contain the required elements outlined above, the request shall be mandatorily denied (unless the Committee fails to respond timely). The person making the request shall be allowed to resubmit the request but all timelines shall be reset and start from the beginning.

b. In cases where the Committee finds no sufficient reason or cause to open a DRC, the DRC shall be denied (unless the Committee fails to respond timely) and the person requesting the DRC be opened shall be notified in writing by the Chairman (or proxy as outlined above) of the Dispute Resolution Committee with an open copy to the President (or Proxy as outlined above). The person requesting the DRC may then follow the appeals process outlined herein below if he or she so chooses.

c. In cases where the Committee finds sufficient reason or cause exists to open a DRC, a DRC shall be opened and the person requesting the DRC shall be notified by the Chairman (or proxy as outlined above) of the Dispute Resolution Committee with an open copy to the President (or Proxy as outlined above). In any case where there is ambiguity as to whether or not there is sufficient cause or reason, the request shall be granted.

## **5. DRC Administration.**

In cases where the DRC request is granted, a copy of the original written request shall be provided to the parties involved within ten (10) days of the request being granted. Each opposing party shall then be given ten (10) days to provide a written reply or rebuttal and each written reply or rebuttal shall be provided to every other party involved. No party may forward or share any request, reply or rebuttal with any party not involved.

A meeting between the person who requested the DRC and the other parties involved shall be held in a CLOSED session at a place set by the committee on a day and at a time agreed upon by all parties involved. Such meeting shall take place within thirty (30) days of the request being granted. Two of the three Committee Members shall be present, one of which must be the non-Board Member. If the person who initiated the request fails to appear, the request shall be terminated and no further action on the part of the Committee shall be allowed. No re-filing of the matter shall be permitted and there shall be no appeal.

a. Each side(s) shall be given up to twenty (20) minutes to present their accounts RESPECTFULLY and without interruption from any other side. Accounts including insults or other derogatory language, at the sole discretion of the Committee, shall be terminated immediately and only what has been provided to such point shall be considered.

b. Each side(s) shall then be given up to ten (10) minutes for rebuttals.

c. Only the Committee shall be permitted to ask questions during the meeting.

d. Evidence for any facts cited shall be presented. Facts cited without evidence provided shall not be given any weight.

e. The goal of such a meeting will be to come to a consensus on a resolution acceptable **to the Committee**. It shall be the intent that such resolution also be acceptable to all parties where possible. This may involve a variety of solutions including, but not limited to: removing or adding committee members, removing vendor personnel, changing vendors, implementing new policy(ies) or amending existing policy(ies).

f. The Committee shall render a written decision delivered to all parties involved by the Chairman (or proxy as outlined above) of the Committee with an open copy to the President (or Proxy as outlined above) within twenty (20) days of the day the meeting is concluded.

## **6. Appeals.**

With exception as outlined hereinabove, a written appeal to any decision may be made by any party to the dispute. Such notice shall include the reason(s) why the Committee's decision should be reversed or amended. Such written notice of Appeal shall be sent to the Chairman (or proxy as outlined above) of the Committee with an open copy to the President (or Proxy as outlined above) and be delivered to both within ten (10) business days of receiving the decision. The date of an electronic delivery as evidenced by the time and date stamp shall constitute delivery. All written appeals timely filed shall be considered valid and shall be handled according to the following:

a. Appeals for the Committee denying the original request shall be handled by the Chairman of the Committee providing the entire Board of Directors a copy of the original request, as amended.

b. Such matter shall then be discussed in a CLOSED BOD session with only Board Members and the non-Board member committee member present in a place and on a day and at a time of the BOD's choosing – but in no case later than sixty (60) days from the date of the appeal request.

c. The BOD shall then render a decision to either deny or grant the request by voting. A super-majority of 70% of those Board Members present or greater shall be required to affirm the denial of the request. The decision shall be final. If the appeal decision is to overturn the denial – the requesting person shall resubmit the request and the timeline shall start at the beginning.

d. Appeals for the Committee rendering a decision pursuant to a Dispute Resolution Meeting shall be handled by the Chairman of the Committee providing the entire Board of Directors a copy of the Appeal Request along with the original DRC request.

e. Such matter shall then be discussed in a CLOSED BOD session with only Board Members and the non-Board member Committee member AND the person initiating the request present in a place and on a day and at a time of the BOD's choosing – but in no case later than ninety (90) days from the date of the appeal request. The BOD shall attempt to make reasonable accommodations to the person who initiated the request regarding the day, time and place of the meeting.

f. The BOD shall then render a decision to either deny or grant the request by voting. A super-majority of 70% of those Board Members present or greater shall be required to deny any change or reversal of the original Committee decision. The decision of the BOD shall be final.

g. If the Appeal Decision is to overturn a Committee decision, the process outlined in Paragraphs (C)(5)(a-f) shall be then again followed. There shall be only one additional appeal permitted and it shall be filed in accordance with this paragraph (6).

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