

Indian Rocks Property Owners Association
Grievance Committee Procedure
Adopted September 15, 2018

I. Introduction

The purpose of this document is to provide the Indian Rocks Grievance Committee with basic information on how to conduct grievance proceedings that are efficient, effective and fair to all parties.

II. The Grievance Structure

The grievance procedure provides hearing committee, appointed by the Board of Directors, to resolve minor disputes of the Association pertaining to violations of the Protective Covenants, By-Laws or Rules and Regulations.

A. The Committee:

The Grievance Committee is comprised of property owners in good standing. The committee will review evidence, questions witnesses and after deliberation, render a decision.

B. The Board Liaison:

The Board Liaison is a member of the Indian Rocks Board of Directors who is appointed by the President of the Board. The Board Liaison, a non-voting member of the committee, makes all procedural decision, corresponds with the committee and the parties involved, deals with the hearing logistics and submits the committee's decision in a written report, to the Community Manger and the Board of Directors.

C. The Grievant:

A grievant is any property owner, who receives a fine for violating any of the Protective Covenants, By-Laws or Rules and Regulations of the Association and appeals the violation and fine to the Grievance Committee for relief.

D. The Respondent/Officer:

The respondent is an individual or individuals responsible for the action that has resulted in a property owner being cited and fined by Indian Rocks Property Owners Association.

III. Steps in the Grievance Process

Once a citation is filed, there shall be a rebuttable presumption that a violation has occurred. The grievant has the burden of providing by a preponderance of the evidence that a violation has not occurred.

A property owner must follow certain preliminary steps in order to be granted a hearing before the Grievance Committee. After a property owner has received written notice from the Property Owners Association that they have violated any of the rules of the association which has resulted in a fine, they must do the following:

1. Within thirty (30) days from the date the citation was issued, the grievant must submit a written request to the association office challenging the citation and the fine, requesting a hearing in front of the Grievance Committee.
2. Along with his or her written request for a hearing, the grievant must post, (with the association), cash check or money order in the amount of the said fine. This money will be held in escrow until such a time that the Grievance Committee renders a decision. If the Committee dismisses the citation, the association will refund the posted amount to the property owner. If the committee upholds the citation, the posted money will be forfeited and applies to the said fine.
3. Relaxed rules of evidence are used in fairness to all parties involved.
4. When a property owner has notified the association in writing that they wish to appeal a citation, the association will contact the property owner and set up a date to appear before the Grievance Committee. Once a date has been scheduled and all the requirements have been met, the property owner will be notified by mail or email of the appearance date. Failure to appear will result in a dismissal without prejudice.
5. The grievant and the respondent are each entitled to one (1) continuance. This request must be received by the Indian Rocks office ten (10) business days prior to the hearing. Once the request for a continuance has been received, the office will reschedule the hearing and notify the parties involved. All continuances must be heard within 30 days of the request.
6. Both the grievant and the respondent both reserve the right to be represented by legal counsel at their expense. If either party chooses to be represented by counsel notification to both parties must be made at least 10 days prior to the hearing.
7. The respondent/officer will present their testimony and evidence to the committee that will support why the violation was issued. Once the officer closes their testimony, the grievant then has a right to cross examine the officer regarding their testimony.
8. The grievant will present their testimony and evidence to the committee that they feel will support why the violation should not have been issued. The officer can then cross examine the grievant regarding their testimony.
9. The Grievance Committee reserves the right to ask both parties involved any questions they feel necessary to make their decision.
10. After reviewing the evidence and hearing testimony, the committee will deliberate and vote to uphold, dismiss or reduce the fine. (*Note: a reduction of a fine can only be considered in a first offense*).

IV. Committee Chair Responsibilities

1. Introduce the grievant to the committee.
2. Explain the committee is formed of residents of IR.
3. Explain to the grievant it's the committee responsibility to hear both sides of the citation and decide the outcome. This could be to uphold, dismiss or reduce.
4. The chair person will gather the committee's decision and submit a written report to the Board liaison.

V. Written Decision

The written report of the committee's decision must set forth the committee's findings and recommendations. The committee's report should contain sufficient information to permit the Community Manager and the Board of Directors to understand the issues in the grievance, the fact as determined by the committee based upon the credible evidence submitted by the parties during the grievance hearing and the rationale for the committee's decision.

VI. Committee Ethics

1. The role of the Grievance Committee is to make decisions based on the evidence submitted by both parties. In order to maintain neutrality and accord due process to the grievant and respondent, ex parte communications on matters of substance related to the grievance, must not take place between the committee and parties involved in the hearing. (*Ex parte communications are those that involve only one party without presence or knowledge of the other party.*) The members of the Grievance Committee may not solicit or hear evidence outside the presence of parties involved in the grievance.
2. A conflict of interest is a relationship to a party or particular knowledge of the grievance that would prevent committee members from deciding the case solely on the basis of the evidence presented at the hearing. Committee members must be able to make decisions uninfluenced by personal interest or familiarity with the parties, witnesses, facts or situation related to the grievance.
3. A committee member should disclose any facts that might call their objectivity and impartiality into questions. If any member believes they cannot render a fair and impartial decision, they should ask to be excused for the hearing. If there is any question of conflict of interest raised by any member of the committee, but the member believes they can fairly decide the matter, the matter should be disclosed to the grievant and respondent so that any objections may be resolved before any substantive decisions are made regarding the grievance. This provides the parties the opportunity to either object to the continuance of a committee member or to waive any objection. If the matter remains unresolved, the Board Liaison determines the matter of continued service.

4. The committee should base their decision on whether the violation is valid. If it is determined that the violation is valid, the committee should then review if there is a justified reason to lower or dismiss the violation.