

IPSSA

DISPUTE RESOLUTION PROCEDURE

SCOPE

This procedure pertains to resolving disputes between IPSSA members, and IPSSA member grievances against any governance component of IPSSA (the BORD, a Chapter, a Region, or any officer, director, committee member or other leader). The dispute must be directed related to IPSSA governance, member programs (such as Sick Routes), or member rights as to an IPSSA program.

This procedure applies to disputes directly related to IPSSA member rights or benefits. It does not apply to a member's alleged violation of IPSSA rules or policies unless the complaining party is directly and materially affected by the violation. However, any IPSSA member may, to the extent permitted by applicable rules, report ethical and legal violations against another IPSSA member or nonmember to regulatory authorities and or applicable ethics committees.

All IPSSA members in good standing are subject to this policy as an ongoing obligation of membership.

CONDITIONS

As a condition of using the IPSSA Dispute Resolution Procedure ("DRP"), the complaining party agrees to the following:

1. The complaining and responding parties will adhere to, cooperate fully concerning, and abide in the procedures as set forth herein, and abide in the decisions of the IPSSA BORD or its designated representative(s) relating to all DRP matters. As a result of using this policy, the parties agree that the disputed matters will be fully and finally resolved at the conclusion of the DRP process.
2. Except as may be required by law, the complaining and responding parties will maintain confidentiality pending conclusion of the DRP process, and following the DRP process, to the extent required by the Review Panel or the IPSSA Board of Regional Directors.
3. Parties to a dispute may consult with legal counsel, but neither party may be represented by counsel in the DRP process. In the event that a legal action is filed with regard to a matter currently subject to a DRP process, the DRP process shall be suspended pending resolution of the legal action.

PROCEDURE

A. COMPLAINT.

The complaint must be in writing and verified (sworn) to be true and correct under penalty of perjury.

The complaint must include a description of reasonable attempts by the complaining party to resolve the dispute prior to filing the complaint.

The complaint must identify the specific manner in which the complaining party's rights or benefits as an IPSSA member are alleged to have been violated.

The Complaint must be submitted on a form authorized by IPSSA, and include affirmation of the complaining party's obligations under this DRP process.

The Complaint may/should be accompanied by reasonable documentation of the factual basis for the complaint, such as letters, written statements, records, or similar.

The Complaint must be submitted to the IPSSA Headquarters Office.

B. PROCESSING THE COMPLAINT

1. APPOINTMENT OF REVIEW PANEL. Within 5 business days of receipt of the Complaint, the Complaint will be scanned and sent to the IPSSA Executive Committee, or its designate, which will appoint a Review Panel. The Review Panel will consist of three persons, including:

(1) one person who is independent and impartial (not from the local Region or Chapter, and with minimal if any knowledge of or involvement in the disputed issues),

(2) one person who is from the Chapter of the complaining party and who credibly agrees to maintain an open and fair mind concerning the disputed issues, and

(3) one person with substantial knowledge of these DRP rules, and who has minimal if any knowledge of or involvement in the disputed issues).

The composition of the Review Panel shall be subject to review by the IPSSA Board of Regional Directors, if challenged by either party. The decision of the BORD concerning the Review Panel shall be final.

The Review Panel shall maintain files relating to disputes as confidential, except that the decisions and directives of the Review Panel may be shared with the parties and others as deemed appropriate in the discretion of the Review Panel.

The majority decisions of the Review Panel shall be final.

The identity of persons on the Review Panel need not be disclosed to either party, but if it is disclosed to one party, it shall be disclosed to the other.

2. ASSESSMENT OF COMPLAINT. Upon receipt of the Complaint, the Review Panel shall:

(a) Determine if the criteria of the DRP has been met, and the Complaint is complete. If not, the Review Panel may dismiss the Complaint. If so, the processing of the Complaint will continue.

(b) Determine whether the subject matter of the Complaint is material and consequential. If not, the Review Panel may dismiss the Complaint. If so, the processing of the Complaint will continue.

Unless the Complaint is dismissed, the Complaint will be deemed accepted ("Accepted"). The matter should be Accepted or dismissed within 15 business days of receipt.

3. NOTICE OF COMPLAINT AND CALL FOR STATEMENTS AND EVIDENCE

Upon acceptance, the Review Panel will issue a Notice of Complaint to the parties, including a copy of the Complaint and applicable IPSSA procedures and forms. The Notice of Complaint shall include a request for statements, documentation, arguments, and any other proof each party may wish to submit in support of their position, and a specific deadline date by which such materials must be submitted.

The deadline for return of materials shall be not less than 20 days from the date the request for materials is sent by the Review Panel. All statements and arguments must be type-written, and sworn under penalty of perjury to be true and correct. All materials (hereinafter "Complaint Materials") shall be directed to the IPSSA Headquarters Office.

The IPSSA Headquarters Office shall assemble received Complaint Materials and transmit copies of those materials to Review Panel.

4. REPLY TO COMPLAINT

Within ten (10) business days of receipt, the Review Panel shall share the Complaint Materials with both parties. Both parties will be permitted the opportunity to reply to the Complaint Materials only (Said materials hereinafter as "Reply Materials"). Neither party will be permitted to submit any new issues or arguments, or any materials not directly responsive to Complaint Materials. Replies must be sworn under penalty of perjury to be true and correct.

Reply Materials shall not exceed five (5) pages, typewritten, 11 point, double spaced, not including attachments. Reply Materials should be submitted to the IPSSA Headquarters office not later than the deadline for receipt, which will be not less than fifteen (15) calendar days from the date the Complaint Materials are sent to the Parties.

Reply Materials are for use by the Review Panel, and shall not be sent to the opposing party. Reply Materials not meeting the criteria set forth in these rules shall be disregarded by the Review Panel.

5. DELIBERATION

Upon receipt of Replies, the Review Panel may review and analyze the Complaints and Replies in the manner, and to the extent, it deems appropriate. The Review Panel may conduct its own research, seek input from advisors, and assess the credibility of written statements, evidence and arguments. Deliberation should generally be concluded within 30 calendar days of receipt of Replies.

C. DECISION

Upon conclusion of deliberation, and not more than ten (10) calendar days thereafter, the Review Panel shall prepare a written decision concerning the matter, and said written decision shall be sent to all Parties. The decision shall be supported by not less than a majority of the Review Panel members. The decision may include specific statements and instructions to the Parties, including reasonable orders to apologize, pay damages, reimburse expenses of the other party, cease and desist specific conduct, or similar measures. The decision need not specify the reasons for the decision unless the Review Panel determines that it will do so. The Review Panel may also refer serious matters to IPSSA for formal disciplinary action pursuant to IPSSA Bylaws, Article IV, Section 4.7.

Failure to abide in the decision of the Review Panel within thirty (30) calendar days of the decision may result in disciplinary action pursuant to IPSSA Bylaws, up to and including expulsion from IPSSA.

The decision, or any portion thereof, may, in the discretion of the Review Panel, be published as deemed appropriate in the discretion of the Review Panel, with approval of the Executive Committee. Publication of a decision should be considered as may be necessary to protect the interests of IPSSA and IPSSA members generally. Review Panel members shall make no public comment concerning the DRP or the decision, and shall maintain all matters relating to DRP as confidential unless otherwise determined in writing by the Review Panel or the Board of Regional Directors.

D. OTHER PROVISIONS

Interpretations of these rules may be made by the Board of Regional Directors or its designate. These procedures may be amended with approval of the Board of Regional Directors.