

## WVSRC COMPLAINT PROCEDURE

### DISPUTES

A. Pursuant to the WVSRC Bylaws, in the event of a dispute between members, guests, dependents, guardians, the board, and/or the lifeguards, any member, lifeguard, or Board member may make a written request to the Board seeking intercession to resolve the dispute. The Board reserves the right to deny any motion for Board intercession if the following “Scope”, “Complaint Submission” and “Procedures” are not followed.

### **SCOPE OF PROCEDURE:**

These procedures address the following complaints for which such confirmed violations may result in the following consequences for members, immediate family members, guests of a member, or agent of Wood Valley Swim and Racquet Club (WVSRC).

#### a. Member-Member Complaint

1. the infraction of any bylaw, or any published rule or regulation of the WVSRC;
2. for conduct deemed or found to be prejudicial to the best interests of the WVSRC or its Members; or
3. where the Member has been accused of or convicted of a violation of a state or federal law which representatives conduct that would otherwise be deemed or found to be prejudicial to the best interests of the WVSRC or any of its Members.

b. Member-Board of Directors (BOD) Complaint – a member files a complaint regarding a member of the BOD asserting that the member of the BOD has violated the WVSRC Bylaws or has displayed other gross negligence that endangers the WVSRC or any of its members.

c. Member-WVSRC BOD Agent Complaint – a member files a complaint against a WVSRC “agent” (employee, contractor, or someone who has been given authority to represent the WVSRC) asserting violation of the rules and regulations, bylaws, or intentional, reckless or negligent behavior while on the WVSRC property that endangers the WVSRC or any of its members.

**COMPLAINT SUBMISSION:**

A complaint must be filed with the BOD within 20 days of the incident, in writing, addressed to the WVSRC BOD and sent via the US Postal Service to the WVSRC address:

10316 Boxelder Dr., Raleigh, NC 27613

**PROCEDURE:**

Upon receipt of a Complaint, a panel of three (3) volunteer members appointed at the beginning of the calendar year for this purpose, will review the complaint to determine if it falls within one of the complaint categories above, within ten (ten) days of receiving the Complaint. If one of the volunteers has a conflict of interest, he/she must notify the BOD so that the BOD can fill his/her place on the volunteer panel.

After the panel verifies that the Complaint falls into one of the three categories, and in effort to ensure that all members are treated fairly and equitably, the BOD will hold a “due process” hearing, operating as follows:

**Pre-hearing:**

1. The BOD will notify Complainant of the following:
  1. that his/her complaint shall be addressed in a hearing;
  2. the date/time for the hearing;
  3. the method of the hearing (via internet or in-person);
  
2. The BOD shall send written notice of the hearing not less than ten (10) days prior to the scheduled hearing date to the Complainant and the Alleged Offender (Member to be charged or with respect to whose immediate family or guest such complaint has been filed), unless the BOD and both parties agree, in writing, to a date before the ten day window.
  
3. Allegations of violent or heinous conduct (made by a Member, or member of that Member’s immediate family, against another Member, that Member’s immediate family, or guest of the aforementioned Member), shall result in the immediate suspension of the accused’s membership rights pending a subsequent investigation by the Board of Directors. Further, the Board of Directors shall have the duty to inform the appropriate members of law enforcement where applicable.
  
4. The Complainant shall provide the following information not less than five (5) days before the hearing:
  - a. A request to the Board for intercession shall state specifically the nature of the dispute, the individuals involved, and the relief sought.
  - b. All allegations that the Complainant wants to address at the hearing

must be made in writing. Complainant shall number his/her allegations and address them as such at the hearing.

c. The Alleged Offender (Member charged or whose guest or family member is charged) shall be entitled to receive the Complaint five (5) days before the hearing on the matter. The BOD shall withhold identity of the Complainant depending on the nature of the allegation, if criminal offense is alleged, at its discretion and in fairness to all members.

### **Hearing**

BOD expectations:

- a. All members of the BOD shall be present for the hearing, unless granted special exception, in writing, by the BOD President, 24 hours before the hearing.
- b. The hearing shall not proceed if a quorum of the BOD is not present.
- c. In the event a BOD member is the person against whom a complaint has been filed, he/she shall be restricted from the BOD discussion and voting following the hearing on the matter; rather, he/she shall engage in the hearing as a participant.
- d. In the event any other board members of the BOD have a conflict of interest, he/she must notify the BOD President or Vice-President before the hearing. The President/Vice-President will decide on how to proceed and if the BOD should vote on whether the member shall be disqualified from participating as a member of the BOD in discussions and voting. The hearing shall be repeated if a conflict is later determined and it was not disclosed.
- e. In the event a quorum cannot be reached, the President/Vice-President may appoint a special member without conflict of interest, to the BOD for purposes of the hearing, discussion, and voting purposes alone.

### **Rules/procedures for the Complainant and Alleged Offender segments of the Hearing:**

The Hearing shall be held as an electronic meeting and have three segments:

1. Complainant shall have ten (10) minutes to address the allegations given in the written complaint, in numerical order. Only the written allegations shall be

addressed in the hearing and no new allegations may be brought forward.

- a. All presentations to the Board will be respectful to the Board and to all other involved parties. Derogatory or inflammatory language is prohibited and will result in the termination of a party's ten (10) minutes.
  - b. Any party will refrain from interrupting during the opposing party's ten (10) minutes.
  - c. BOD has five (5) minutes to ask questions.
2. The alleged offender shall have ten (10) minutes.
    - a. BOD has (5) minutes to ask questions.
  3. The Board may present an opportunity following the close of the ten (10) minute presentations to ask questions or allow for either party to briefly respond to the other, such responses being limited to subjects on which they have not already spoken.
  4. As hearings will be held via electronic video conference, the Board reserves the right to mute any attendee and cease the hearing if the rules above are not followed.

### 3. Reaching a Conclusion:

- a. Following the completion of the presentations, the BOD will close the meeting, discuss the matter, and decide on a resolution of the matter via vote. The BOD has discretion to craft an equitable resolution and is not bound to accept the position taken by any of the involved parties.
- b. After the Board reaches a solution, and no later than three (3) days after the hearing, the Board shall communicate the resolution to the members involved, likely by telephone, with follow up email.

**Appeal:** Per the Bylaws, a dissatisfied party may appeal the result to the membership at large at the next annual meeting.