

Unified Complaint, Investigation, Hearing & Petition Policy

This unified policy combines the Board Member complaint policy, complaint processing addendum, and escalation to next highest authority procedures into one consolidated governance policy for the Willow Valley Club Association (“Association”).

SECTION 1 — PURPOSE

This policy establishes formal procedures for:

- Complaints filed by Board members against another board member
- Complaints filed by association members against board members
- Governance-related petitions
- Investigations and hearings
- Escalation procedures
- Due process protections
- Conflict-of-interest handling
- Confidentiality standards
- Record retention requirements
- Membership escalation rights

The purpose of this policy is to ensure:

- Fair treatment
 - Consistent enforcement
 - Professional governance
 - Protection of member rights
 - Compliance with Arizona law
 - Proper handling of disputes and governance concerns
 - Reduction of legal exposure to the Association
-

SECTION 2 — GENERAL PRINCIPLES

2.1 Good Faith Requirement

All complaints, petitions, accusations, and disciplinary requests must be submitted in good faith and based upon:

- Documented facts
- Observed conduct
- Governing document violations
- Fiduciary concerns
- Policy violations
- Ethical misconduct
- Disruptive or harmful actions

Complaints filed for harassment, retaliation, intimidation, political disputes, or personal grievances unrelated to Association governance may be dismissed.

2.2 Due Process Rights

Any accused individual shall receive:

- Written notice of allegations
 - Opportunity to review evidence
 - Opportunity to respond
 - Right to attend hearings
 - Right to present witnesses or documents
 - Right to legal counsel at their own expense
-

2.3 Confidentiality

Complaints and investigations shall remain confidential unless:

- Formal board action is initiated
- Disclosure is legally required
- Membership notice is required
- Executive session discussion is authorized
- Legal counsel advises disclosure

Unauthorized disclosure of confidential matters may constitute misconduct.

SECTION 3 — COMPLAINT FILING REQUIREMENTS

3.1 Minimum Filing Requirements

All complaints must include:

- Name of complainant
- Signature
- Date submitted
- Description of alleged conduct
- Supporting documentation if available
- Requested resolution

Incomplete complaints may be returned for correction.

3.2 Anonymous Complaints

Anonymous complaints shall not proceed unless:

- Immediate safety concerns exist
 - Directed by legal counsel
 - Required by law enforcement
-

3.3 Grounds for Complaint

Examples include:

- Breach of fiduciary duty
- Harassment or abusive conduct
- Disclosure of confidential information
- Conflict-of-interest violations
- Disruption of board meetings
- Unauthorized commitments or contracts
- Violations of governing documents
- Social media misconduct damaging the association
- Interference with vendors, committees, or operations

SECTION 4 — COMPLAINT INTAKE & INITIAL REVIEW

4.1 Intake Procedures

Upon receipt of a complaint, the Association shall:

1. Date-stamp the complaint
2. Assign a complaint reference number
3. Record the matter in the confidential complaint log
4. Determine whether minimum filing requirements are met

4.2 Preliminary Review

Within approximately 15 business days, the reviewing authority shall determine whether:

- The association has jurisdiction
- The complaint alleges a potential violation
- Additional information is required
- Informal resolution is appropriate
- Legal counsel review is necessary

4.3 Dismissal Without Hearing

A complaint may be dismissed if:

- Outside Association authority
- Insufficient evidence exists
- Complaint is duplicative
- Matter is unrelated to governance
- Complaint is frivolous or retaliatory

The dismissal shall be documented.

SECTION 5 — ESCALATION & REVIEWING AUTHORITY

5.1 Escalation Hierarchy

If the designated reviewing authority is involved in, affected by, or reasonably perceived to have a conflict regarding the complaint or petition, the matter shall automatically transfer to the next highest authorized officer, committee, or governing body.

Complaint Involves	Matter Transfers To
General Board Member	Chairman
Chairman	Co-Chairman
Co-Chairman	Secretary
Secretary	Treasurer
Treasurer	Executive Committee or Independent Review Committee
Multiple Officers	Independent Review Committee
Majority of Board	Association Legal Counsel and/or Membership Petition Process

5.2 Conflict of Interest & Recusal

Any reviewing party shall recuse themselves if:

- They are the subject of the complaint
- They are witnesses
- They have personal involvement
- Bias may reasonably be perceived
- A financial or legal conflict exists

Upon recusal, the matter shall be transferred to the next reviewing authority.

5.3 Independent Review Committee

An Independent Review Committee may be appointed when matters involve:

- Multiple board members
- Executive officers
- Retaliation claims
- Significant legal exposure
- Governance deadlock

- Majority board disputes

The committee shall:

- Consist of neutral individuals
 - Exclude parties involved
 - Maintain confidentiality
 - Make written recommendations only
-

SECTION 6 — NOTICE & RESPONSE PROCEDURES

6.1 Written Notice

If a complaint proceeds, the accused individual shall receive written notice including:

- Nature of allegations
 - Relevant governing document references
 - Supporting documentation when appropriate
 - Response deadline
 - Hearing information if applicable
-

6.2 Response Period

The accused party shall have a minimum of 10 business days to submit a written response unless extended for reasonable cause.

SECTION 7 — INVESTIGATION PROCEDURES

7.1 Investigation Authority

The Board may:

- Conduct internal review
- Appointing an investigation committee
- Assign neutral fact finders
- Request attorney review
- Interview witnesses
- Review records and communications

7.2 Scope of Investigation

Investigations may include reviews of:

- Emails
- Meeting minutes
- Video/audio records when legally permitted
- Witness statements
- Financial records
- Policy documents
- Social media postings related to association business

SECTION 8 — INFORMAL RESOLUTION

Before formal discipline, the board may attempt:

- Mediation
- Written clarification
- Informal counseling
- Corrective agreements
- Training requirements
- Written apology
- Behavioral expectations agreement

SECTION 9 — FORMAL HEARING PROCEDURES

9.1 Hearing Notice

If a hearing is scheduled:

- Minimum 10 days' written notice should be provided
- Notice shall include date, time, location, and purpose

9.2 Executive Session

Hearings involving discipline, confidential conduct, legal advice, or litigation exposure should generally occur in Executive Session when permitted by Arizona law and governing documents.

9.3 Hearing Procedures

The hearing process may include:

1. Opening statement
2. Presentation of complaint
3. Response from accused party
4. Witness statements
5. Board questions
6. Closing statements
7. Deliberation
8. Decision

Formal courtroom procedures are not required.

9.4 Participation Restrictions

The accused board member:

- May present evidence
 - May respond to allegations
 - Shall not participate in deliberation regarding their own discipline
 - Should recuse themselves from related voting
-

SECTION 10 — BOARD DECISIONS & DISCIPLINE

Possible actions include:

- Dismissal
- Verbal warning
- Written reprimand
- Corrective action requirements
- Training requirements

- Removal from officer position
- Removal from committee assignments
- Restriction of spokesperson authority
- Censure
- Referral to membership recall process
- Referral to legal counsel

Unless otherwise authorized by Arizona law or governing documents, elected directors generally may not be removed solely by Board vote.

SECTION 11 — PETITION & MEMBERSHIP ESCALATION RIGHTS

Members may petition for:

- Recall election
- Special membership meeting
- Investigation of board conduct
- Removal of officers from officer positions
- Governance review
- Policy changes

11.1 Recommended Petition Thresholds

Petition Type	Recommended Threshold
Request for Board Review	5%
Special Membership Meeting	10%
Policy Amendment Request	10%
Recall Petition	As required by bylaws/statutes

11.2 Petition Verification

The association may verify:

- Membership status

- Ownership records
- Good standing status
- Duplicate signatures
- Legibility and completeness

Invalid signatures may be rejected.

SECTION 12 — LEGAL COUNSEL INVOLVEMENT

The Association may involve legal counsel when:

- Governance authority is disputed
- Litigation risk exists
- Fiduciary duty allegations arise
- Director's removal is requested
- Defamation claims are threatened
- Petition validity is challenged

All attorney communications shall comply with the association attorney access policy and single point-of-contact requirements.

SECTION 13 — NON-RETALIATION

Retaliation against:

- Complainants
- Witnesses
- Board members
- Committee participants

is prohibited and may result in disciplinary action.

SECTION 14 — RECORD RETENTION

The association shall maintain confidential records including:

- Complaints
- Responses

- Hearing notices
- Investigation materials
- Petitions
- Board findings
- Voting records
- Legal opinions

Access shall be limited to authorized individuals.

Suggested Board Motion

“I move that the board adopt the Unified Complaint, Investigation, Hearing, Petition, and Escalation Policy establishing standardized governance procedures, due process protections, escalation authority, petition procedures, and complaint handling requirements consistent with the association’s governing documents and applicable Arizona law.”