

Marina at St. James Owners Association

Membership Dispute Resolution Policy

Adopted, February, 2010

From time to time, situations may arise where one, or more, members of the association come into conflict with another member. Disputes may arise when one member perceives that another member's actions have caused damage to property or undue hardship.

As a general rule, disputes between members of the association are not the business of the association. Neither the Executive Board of the Association, nor the Dockmaster or staff has authority in such matters and, therefore, accepts no responsibility for settling disputes between members.

If necessary, the Dockmaster shall provide the name and relevant contact information to each of the parties involved in the dispute. It is anticipated that the parties will make every effort to resolve the dispute between them without further assistance.

However, a non-binding dispute resolution procedure, as described below, may offer a structured dispute resolution process as an alternative to civil law.

Non-Binding Dispute Resolution Procedure

Step 1. Gather Facts

All relevant information regarding the dispute is gathered. The member who initiates the dispute shall provide all relevant information regarding the situation by completing the "Marina Incident Form" (available at Dockmaster's office or at the marina website). A detailed description of the incident, list of any witnesses, and a suggested remedy for the dispute should be included in the report. The member against whom the complaint has been filed shall also complete an incident form, specifying a detailed description of the incident, a list of witnesses, and a suggested remedy. Any other members or witnesses who wish to complete an incident form are encouraged to do so. All forms and information shall be submitted to the Dockmaster or to a member of the Executive Committee.

Step 2. Mediation Process

The Dockmaster (or Board) shall review all relevant information regarding the situation. The Dockmaster will contact each party to the dispute and attempt to resolve the issue by trying to engage the parties to accept middle ground. The dockmaster will document (in writing) the positions of each party and attempts made at dispute resolution. If the Dockmaster is unable to negotiate agreement between the parties, he/she shall furnish a written report to the Executive Board.

Step 3. Non-Binding Arbitration

The Executive Board, upon receipt of the Dockmaster's report, may elect to arbitrate the situation. Or, at the Executive Board's discretion, the Board may appoint an ad-hoc committee of association members to arbitrate the incident. At the Board's discretion, the parties to the incident may, or may not, be asked to meet with the Board. The Board will render a suggested, non-binding resolution to the issue. Either party to the dispute may elect to accept or reject the suggested non-binding resolution offered by the Board (or ad-hoc committee on behalf of the Board).

Step 4. Documentation and Findings

All information, documentation, and any other relevant facts will be placed in a file which becomes the property of the association. Complete copies of the file will be available to the parties at cost.

The Member Dispute Resolution Policy is non-mandatory and non-binding. All parties to the dispute are free to engage the process, or, reject it. If the parties to the dispute agree to use the process, then the staff and/or Board will utilize the policy as a guideline to attempt to settle the dispute.

If either, or both parties to the dispute refuse to follow the process, or, refuse to accept the findings of the process, then the Board and staff will no longer attempt to resolve the issue. The Board and staff will continue to enforce the policies, procedures, rules and regulations of the Marina for the benefit of all members of the Marina at St. James Property Owners Association. Such rules and regulations shall be applied and enforced equally to all members of the association and the public.