

## **IDAHO MEDIATION ASSOCIATION COMPLAINT/GRIEVANCE PROCEDURE**

**1. Receipt of Complaint or Grievance.** Upon receipt of a signed complaint or grievance (used interchangeably hereinafter) against an Idaho Mediation Association (IMA) Certified Professional Mediator, the Chair of the Practice and Standards Committee shall open a case file, acknowledge receipt of the complaint, and notify the Certified Professional Mediator of the complaint and invite a written response. Every effort shall be made to complete any grievance procedure within ninety (90) days from the time of the receipt of a signed complaint.

**2. Initial Case Review.** The Chair of the Practice and Standards Committee (Chair) may appoint a Case Manager to review the case or the Chair may assume that role. The review shall be to determine if additional information is necessary and/or if there has been an apparent violation of IMA mediation standards of practice. The Case Manager may request additional information.

**3. Preliminary Determination of Violation.** The Case Manager shall report a written determination to the Practice and Standards Committee whether a violation of the standards of practice has occurred. If no violation has occurred, then both the Complainant and the Certified Mediator shall be notified in writing with a brief explanation of the reasoning of the Case Manager. Thereafter, the case shall be dismissed and the case file closed. If a violation has occurred, the Case Manager shall convene a Grievance Panel.

**4. Grievance Panel.** The Grievance Panel shall consist of the Case Manager and two IMA Certified Professional Mediators. Said panel shall review the case, request additional information, if necessary, and determine whether the complainant and the Certified Professional Mediator desire to engage in informal conciliation or wish to proceed to an informal hearing. If both participants desire, an informal conciliation shall be facilitated by one or more members of the Grievance Panel, either face-to-face or via telephone. If both participants desire, one or more members of the Grievance Panel shall facilitate the exchange of additional information. If either participant does not agree on conciliation and/or information gathering, the Grievance Panel shall schedule an informal hearing. The participants shall present their respective facts and points of view and the panel of three shall by majority vote decide the matter.

**5. Agreements and Decisions.** Any agreements reached by the participants or decisions reached by the Grievance Panel shall be transmitted in writing to all participants, the Chair of the Practice and Standards Committee, and the Board of Directors of IMA. Agreements and decisions may include any of the following elements:

(a) Dismissal of the complaint;

(b) Informal reprimand of the Certified Professional Mediator, which shall include a statement of the misconduct on the part of the Certified Professional Mediator, an agreement to correct the mediator's inappropriate behavior, and a statement of any penalty agreed to or imposed; or

(c) Formal reprimand of the Certified Professional Mediator, which shall include a complete statement of the factual basis for the determination of a violation or violations, and a statement of any penalty agreed to or imposed.

**6. Penalties.** Penalties may include but are not limited to:

(a) Free mediation session(s) by the Certified Professional Mediator with the Complainant, if appropriate;

(b) Refund of all or part of the Certified Professional Mediator's fee;

(c) Additional work to be performed by the Certified Professional Mediator;

(d) Mandated supervised mediation or co-mediation;

(e) Additional training for the Certified Professional Mediator;

(f) Suspension or expulsion of the Certified Professional Mediator from IMA; and/or

(g) Temporary or permanent revocation of the Certified Professional Mediator's certification.

**7. Appeals.** The decision of a grievance panel may be appealed to the IMA Board of Directors within thirty (30) days of issuance of the written decision. The Board shall review the case and either render a final decision or appoint a new Grievance Panel. Decisions made upon appeal by a Grievance Panel are final.

**8. Reinstatement.** A former member of IMA who has been suspended or expelled or former Certified Professional Mediator whose certification has been revoked may reapply for certification and/or membership no sooner than one (1) year from the date of suspension, expulsion, and/or revocation.

**9. Notice of Penalties.** Notice of penalties assessed under 6f and 6g above shall be published in the IMA newsletter no sooner than thirty (30) days following final disposition of the complaint.

**10. Retention of Records.** The initial complaint, any written response, any written reports, decisions of the Case Manager or Grievance Panel, and any written agreements or penalties shall be retained in IMA's official records. The IMA President, Secretary, Chair of the Practice and Standards Committee, Case Manager, Panel, and the Certified Professional Mediator involved shall have access to the file.