ADR Rule 31 Grievance Procedure

Programs Manager receives written complaint and forwards it to ADRC Chair

If the Mediator involved in the complaint is an attorney, the Chair determines if complaint should be forwarded to Board of Professional Responsibility (BPR). If forwarded, ADRC defers to BPR. If not forwarded, complaint handled as if Mediator is not an attorney

Chair appoints Grievance Committee made up of 3 ADRC members to review the complaint to determine whether allegations, if true, constitute violation of Rule 31

No violation:

- Committee shall dismiss complaint without prejudice

- Programs Manager will notify the Complainant and the Mediator of dismissal.

If true, allegations constitute violation:

- Committee shall prepare list of any rule(s) Mediator may have broken

- Programs Manager provides a copy of this list, the complaint, and Rule 31 to the Mediator

Mediator sends written response to the Programs Manager by registered or certified mail within 10 days of receipt of list of violations

*****If Mediator does not respond, the allegations shall be deemed admitted*****

Programs Manager forwards Mediator's response to Complainant who has 10 days to respond in writing to Mediator's response

Committee reviews complaint, Mediator's response, and Complainant's counter-response

Committee determines no violation has occurred and dismisses the complaint

Committee may meet with the Complainant and the Mediator, jointly or separately, in an effort to resolve the matter. Resolution may include sanctions if agreed to by the mediator.

*****The Committee may hold these informal meetings at any time while it has jurisdiction*****

If no resolution, Committee reviews complaint, the response, and the result of any investigation to determine whether there is probable cause to believe that the alleged misconduct occurred and constitutes violation of the rule

No probable cause:
Committee shall dismiss the complaint.

Finding of Probable Cause:
Committee notifies Complainant and Mediator that Complainant is entitled to a hearing before the Committee. The hearing will be held within 30 days of finding of probable cause.

Committee finds that the Mediator has not violated Rule 31 or that Mediator has violated the Rule but the violation does not warrant sanctions. Committee shall dismiss complaint.

Committee finds Mediator has violated Rule 31 and the violation warrants sanctions. Committee imposes appropriate sanctions.

Either party may appeal to the full ADRC by filing a written notice of appeal with the ADRC through the Programs Manager within 30 days following the Committee's decision.

ADRC will hear the grievance de novo, without those members who served on the Committee that initially heard the complaint.

ADRC will determine whether the complaint has merit and shall issue a written decision. If it determines the grievance has merit, it shall impose appropriate sanctions. The Commission's decision is final.