



COMPLAINT PROCEDURES

Any individual or business, whether a Chippewa Valley Home Builders Association (CVHBA) member or member of the public, may file a complaint against a CVHBA member. All members of the CVHBA must abide by the Code of Ethics and only violations of the Code of Ethics may be eligible for possible disciplinary action by the Board of Directors.

COMPLAINT PROCEDURES

Upon receipt of a written complaint, notification will be given to the member the complaint is filed against & the Executive Committee within 5 business days. The Executive Committee will review the complaint and respond within 10 business days of receiving notification of the complaint. The Executive Committee may repond by notifying the complainant that there is no action that can be taken by the CVHBA at this time or recommend the complainant be reviewed by the Greivance Committee for futher review. If referred to the Grievance Committee, it will be reviewed in depth and their recommendation will be presented to the Board of Directors. Note: Mediation services are also available at any time without needing to fill out the complaint form. The Grievance Commitee may also recommend mediation services to the complainant. See the Mediation Program information for more details.

CODE OF ETHICS

1. Members shall conduct business affairs with professionalism and skill.
2. Honesty is a guiding policy of the Association.
3. All housing shall be built to meet or exceed the minimum standards of the industry as defined by state and local codes.
4. Members shall comply with both the spirit and letter of business contracts, meet all financial obligations in good faith, and manage employees with fairness and honor.
5. Members shall not obtain any business through fraudulent means, knowing acts of omission, or by use of implications unwarranted by fact or reasonable probability.
6. Members shall not perform, or cause to be performed, any act which could reflect discredit or disrepute on any part of the building industry or the Association.
7. Members obtaining construction payouts shall promptly pay creditors and not use the funds for other purposes.
8. Members shall abide by all federal, state, and local laws.
9. Members shall seek to resolve controversies through a non-litigation dispute resolution mechanism.
10. Members shall support and abide by the decisions of the Board in promoting and enforcing this code of ethics.

PROHIBITED FACTORS

Anticompetitive Practices. The Chippewa Valley Home Builders Association supports the system of free enterprise and open competition. Monopolies or any kind of price or wage fixing, are detrimental to the system of free enterprise. Unfair business practices are practices that are likely to reduce competition and lead to higher prices, reduce quality or levels of service, or less innovation. Anticompetitive practices include activities like price fixing, group boycotts, and exclusive dealing contracts or the application of trade association rules to bar competitors. THE BOARD OF DIRECTORS SHALL NOT ISSUE ANY DISCIPLINARY ACTION ON ANY BASIS THAT WOULD BE AN UNFAIR OR ANTICOMPETITIVE BUSINESS PRACTICE.

Equal Opportunity. In reaching its decision as to any membership application, the Board of Directors shall not deny any application on the basis of sex, race, color, creed, disability, sexual orientation, national origin or ancestry.

Chippewa Valley Home Builders Association

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COMPLAINT FORM

If you would like to file a complaint against a member of the Chippewa Valley Home Builders Association (CVHBA), please complete this form in its entirety.

INFORMATION ABOUT YOU (the complainant)

First Name: _____ Last Name: _____

Company (if applicable): _____

Phone: _____ Email: _____

Address: _____

City: _____ State: _____ Zip: _____

Are you a CVHBA Member? Yes No

INFORMATION ABOUT THE CVHBA MEMBER YOU'RE FILING A COMPLAINT AGAINST

Company: _____

First Name: _____ Last Name: _____

Phone: _____ Email: _____

Address: _____

City: _____ State: _____ Zip: _____

INFORMATION ABOUT THE COMPLAINT

Please describe your relationship with the CVHBA member whom you are filing a complaint against?

Please provide, in writing, a thorough description of the allegation, including any supporting materials as deemed necessary.



COMPLAINT PROCESSING FORM FOR OFFICE USE

STEP 1: Receipt of complaint, notification to member & referral to the Executive Committee *(within 5 business days).*

- _____ Date complaint received
- _____ Date Member notified of complaint of complaint filed against them and provided opportunity to submit additional information for review.
- _____ Date Executive Committee notified of complaint.

STEP 2: Executive Committee Reviews the Complaint & Responds *(within 10 business days of notification of complaint)*

Upon receipt of the written complaint, the Executive Committee shall:

- Review all allegations in the written complaint;
- Review any other information submitted by the complainant; and
- Review the response by the Member subject to the complaint.

- _____ Complainant notified that the Executive Committee has determined there is no action that can be taken by the CVHBA.
- _____ Complainant notified that the Executive Committee is recommending the Grievance Committee review the complaint and make a recommendation if any action should be taken.

STEP 3: Grievance Committee Reviews Complaint *(within 10 business days of notification of complaint)*

After a review of the complaint, the Grievance Committee recommends the to Board of Directors one of the following actions be taken:

- _____ No action can be taken at this time by the CVHBA
- _____ Recommend mediation services and provide information to the complainant
- _____ Issue a warning to the member
- _____ Immediately suspend the member
- _____ Immediately remove the member from the CVHBA
- _____ Other action that is deemed just and equitable: _____

The basis for the recommendation is (insert provision) of the Code of Ethics was violated and what facts support the violation:



MEDIATION PROGRAM

The Chippewa Valley Home Builders Association (CVHBA) offers a mediation program in the occurrence of a dispute with a CVHBA member. As a condition of membership in the Chippewa Valley Home Builders Association, all members agree to submit to mediation. If any member refuses to mediation the membership may be suspended or revoked. Homeowners and other businesses the member may work with (i.e. subcontractors) are eligible to apply for mediation with a CVHBA member.

If you would like to directly file for mediation, you do not need to fill out the complaint form.

Application

The party applying for mediation must submit a formal application with a deposit of \$150. The mediation process won't begin until both the formal application and the deposit have been received by the Chippewa Valley Home Builders Association. The deposit is refundable upon the completion of the mediation process as long as the party applying for mediation follows through on all requirements of the process.

The Process

- Mediation is a voluntary collaborative process that is non-binding.
- The mediator is a neutral facilitator who assists the participants in reaching their own voluntary, fully informed resolution concerning the issues.
- A mediator's duties do not include decisions concerning "right" or "wrong" and the mediator will not make a decision regarding the issues for the participants.
- The mediation process can be successful only if all participants make full and complete disclosure of all information pertinent to the resolution of the issues. Each participant will make a full and complete disclosure of all relevant information and documents to the mediator and other participant.
- If the mediation is successful, both parties will sign a settlement agreement that outlines what was agreed to. This document is a legally binding Resolution Agreement.
- If either participant fails to make a full and complete disclosure of all relevant information and documents, then any formal, legal, binding Resolution Agreement that may be reached based on the incomplete set of materials may be set aside.

Timeline

The Chippewa Valley Home Builders Association will work diligently to provide mediation within 21 business days of the time a grievance is filed.

Day 1	Grievance Mediation Application is received by the Chippewa Valley Home Builders Association with the \$150 filing deposit.
Day 6	Within five working days the Grievance Committee Chair and the Chippewa Valley Home Builders Association President notified of a filed grievance. The respondent will also be notified of the petitioners filed grievance.
Day 11	Grievance case is assigned to a Chippewa Valley Home Builders Association mediator (unless either party opts for external mediation).
Day 21	Mediator schedules and meets with both parties to conduct mediation session.

At least 10 days prior to the scheduled mediation, the parties may submit any relevant contracts, plans, specifications, drawings, photographs, statements, invoices, letters, and/or any other supporting written materials. A copy of the petitioner's statement, together with all of the supporting documentation shall be forwarded to the respondent promptly. The respondent shall have an opportunity to provide a signed written response together with supporting documentation at least five (5) days prior to the scheduled mediation.



MEDIATION PROGRAM

The Mediation Session

- The parties may choose to seek the advice of independent legal counsel at any time during the process. Attorneys representing participants may attend mediation sessions with the participants.
- The mediator will meet jointly with the parties at the beginning of the mediation session and explain the process and ground rules.
- Following the initial joint meeting, the mediator will then meet privately with each party to discuss the issues and possible resolutions.
- The mediator has the right and responsibility to ask all the parties any and all questions necessary to gather information about the issues, the respective positions, and arguments.
- The mediator may go back and forth between the parties to discuss various settlement options and proposals.
- The parties will jointly meet again at the end of the mediation session.
- The mediator shall have the option of a site inspection.
- The mediation session ends when a settlement agreement is reached, or it becomes clear that a resolution will not be forthcoming.
- If an agreement is reached, the mediator shall immediately draft the settlement agreement which will then be signed by both parties and the mediator. The signed settlement agreement shall be a binding contract on all parties and enforceable in a court of law. In the event that mediation is not successful, the parties shall have the right to submit their grievance to arbitration or may take other legal action. The mediator shall provide the parties with arbitration information prior to the end of the mediation session if requested.
- There will be a \$100 fee per party for any subsequent mediation sessions.
- The Chippewa Valley Home Builders Association reserves the right to decline a grievance request. If a grievance request is declined, the \$150 deposit will be returned.
- Upon completion of the mediation process, the \$150 deposit will be returned to the party who applied for the mediation under the condition that the party met all requirements of the process (i.e. submission of supporting documentation, showed up for scheduled mediation, etc.).

Termination / Withdrawal

- Either participant or the mediator may terminate the mediation at anytime. It will not be necessary that a participant or the mediator provide a reason for the termination of mediation.
- In the event that the mediation is terminated, the mediator will advise the participants of the termination in writing. No explanation is required regarding the reason for termination.



MEDIATION APPLICATION

Name (First, Middle Initial, Last)

Address (City, State, Zip)

Home Phone

Work Phone

Email

Formal complaint against _____
Company Name

Nature of dispute

Please attach a description of the dispute and any applicable details, photos, etc. Be sure to include a chronological timeline.

Deposit

A \$150 deposit made payable to Chippewa Valley Home Builders Association must be attached to this application. For each subsequent session, there is an additional \$100 fee per party. Application should be mailed or dropped off at 4319 Jeffers Road, Suite 103; Eau Claire, WI 54703.

Preference for Mediation (choose one): ___ CVHBA Mediator ___ External Mediator (additional fees apply)

Signature

Date

FOR OFFICE USE

Received By:

Date Received:

Deposit Received: