



Mediation Program

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.

Application

The party applying for mediation must submit a formal application with the \$150 non-refundable mediation fee. The mediation process won't begin until both the formal application and the fee have been received by the Chippewa Valley Home Builders Association.

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 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 1Grievance Mediation Application is received by the Chippewa Valley Home Builders Association with the \$150 filing fee.

Day 6Within 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 11Grievance case is assigned to a Chippewa Valley Home Builders Association mediator (unless either party opts for external mediation).

Day 21Mediator 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.

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 of 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 mediation fee will be returned.

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 (Last, First, Middle Initial)

Address (City, State, Zip)

Home Phone

Work Phone

Email

Formal complaint against _____,
Name Company Name

Nature of dispute (include chronological timeline):

A \$150 filing fee 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 200; Eau Claire, WI 54703.

Preference for mediation (choose one): external mediator CVHBA mediator

Signature

Date

FOR OFFICE USE:

Received by:

Date Received:

Payment Received: