

**Policy & Procedure Manual of the
Florida Association of Professional Process Servers**

Sec. 9 **Arbitration and Grievance**

- Sec. 9.1 The President shall appoint a Chairperson to handle all matters involving grievance and arbitration.
- Sec. 9.2 Any person who has cause to complain that a member of FAPPS has violated a provision of the Bylaws or Code of Ethics may submit their complaint to the Chairperson in the manner prescribed by FAPPS policy.
- Sec. 9.3 Complaints regarding nonpayment of bills shall also be handled pursuant to FAPPS policy.
- Sec. 9.4 Should the Chairperson be involved in the complaint, the grievance shall be submitted to the President who will serve as, or appoint, a temporary Chair for this matter only.
- Sec. 9.5 Procedure for filing non-payment grievances
- Sec. 9.5.1 The complaining member, or former member whose membership was in good standing at the time services were rendered (hereafter referred as to "Complainant") after taking reasonable steps to collect a debt which is now 60 days delinquent, shall send an original NOTICE OF PENDING COMPLAINT to the non-paying member (hereafter referred to as "Respondent") by regular mail or email. Where the Complainant is a former member, a complaint will not be heard unless it is filed within 120 days of that former member's date of termination. (November 11, 2020)
- Sec. 9.5.2 If payment is not made within fourteen (14) days of the date of mailing or emailing of the NOTICE OF PENDING COMPLAINT the Complainant may file a complaint by submitting the following documents to the Chairperson; a) the original NONPAYMENT COMPLAINT signed by the Complainant; b) a copy of the NOTICE OF PENDING COMPLAINT, and c) all supporting documentation.
- Sec. 9.5.3 All forms pertaining to Arbitration & Grievance shall be on a form prescribed by the Board and shall be available by contacting the Chairperson.
- Sec. 9.6 Procedure for filing unethical or unprofessional conduct grievances
- Sec. 9.6.1 Any person who has cause to complain that a member of FAPPS has violated a provision of the Bylaws or Code of Ethics may submit to the Chairperson a written complaint containing the sufficient particulars of the grievance along with all supporting documentation.
- Sec. 9.7 Procedures for all grievances after submission to the chairperson

- Sec. 9.7.1 The Chairperson will send a copy of the grievance to the Respondent who must serve a reply together with all supporting documentation upon the Chairperson. The reply must be postmarked, or date stamped within fourteen (14) days from the date of the chairperson's letter or email containing the complaint. If no reply is received, Respondent is in violation of Section F (5).
- Sec. 9.7.2 The Chairperson shall send a copy of the reply to the Complainant for rebuttal.
- Sec. 9.7.3 The Complainant shall serve a rebuttal upon the Chairperson. The rebuttal must be postmarked, or date stamped within fourteen (14) days from the date of the Chairperson's letter, or email to the Complainant containing Respondent's reply.
- Sec. 9.7.4 The Chairperson shall send a copy of the rebuttal to the Respondent for surrebuttal.
- Sec. 9.7.5 The Respondent shall serve a surrebuttal upon the Chairperson. The surrebuttal must be postmarked, or date stamped within fourteen (14) days from the date of Chairperson's letter, or email to the Respondent containing Complainant rebuttal.
- Sec. 9.7.6 Any extensions to serve a reply, rebuttal, or surrebuttal due to exceptional circumstances are at the sole discretion of the Chairperson. The party requesting an extension must contact the Chairperson, by telephone, prior to time having expired to submit the reply, rebuttal or surrebuttal and must state the reason for an extension.
- Sec. 9.7.7 Following receipt of response, rebuttal and surrebuttal, the Chairperson shall submit the matter to binding arbitration.
- Sec. 9.7.8 Should the Respondent fail to respond as required, the Chairperson shall submit the matter to the Board of Directors. Should either party choose not to respond, Chairperson shall submit the matter to binding arbitration.
- Sec. 9.8 Arbitration
- Sec. 9.8.1 After all procedures have been followed as prescribed in Section C. the Chairperson shall submit the matter to binding arbitration before a panel of three (3) members comprised of the Chairperson and two members randomly selected by the Chairperson.
- Sec. 9.8.2 If the dispute is monetary, the Chairperson shall determine the amount of funds to be deposited with the Treasurer, who will place the funds into an escrow account.
- Sec. 9.8.3 The Chairperson shall provide each member of the panel with a copy of all pleadings.
- Sec. 9.8.4 The panel shall make a ruling on this written record but shall have the right in its sole discretion to request from the additional materials clarification or supplemental information
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- Sec. 9.8.5 The panel shall render a majority written decision on the merits of the dispute and a separate majority written decision on proposed sanctions, if any, and send the written decision(s) together with any dissents to the parties.
- Sec. 9.8.6 Either party may appeal the decision(s) of the grievance panel by filing within fourteen (14) days of the postmark or date stamped date of the decision(s) of the panel, a written appeal with the Chairperson together with a statement of the reasons supporting the appeal.
- Sec. 9.8.7 The Chairperson shall notify the President of any appeal filed.
- Sec. 9.8.8 If an appeal is filed the decision(s) of the grievance panel is stayed pending resolution of the appeal.
- Sec. 9.8.9 If such appeal is not filed timely, the decision(s) of the panel shall be final; however, the Board at its option may accept a late appeal.
- Sec. 9.8.10 The Chairperson shall submit the appeal and all documentation to the Board at the next regularly scheduled board meeting for a ruling, which ruling shall be deemed final and not subject to further appeal.
- Sec. 9.9 Upon notification of the outcome by the Chairperson, the Treasurer shall make the necessary disbursement of any funds held in escrow.
- Sec. 9.10 Retention of Complaints
- Sec. 9.10.1 All matters submitted to the Arbitration & Grievance Committee shall remain confidential.
- Sec. 9.10.2 Once a matter has been resolved or disposed of; the Chairperson shall retain the file for a period of three (3) years.
- Sec. 9.10.3 The Chairperson shall retain for a period of three (3) years a listing and disposition of each matter submitted to the Arbitration & Grievance Committee.
- Sec. 9.11 Consistent Pattern of Complaints
- Sec. 9.11.1 Where a number of complaints filed against a member indicates a persistent pattern of nonpayment or unethical, unprofessional conduct, the Chairperson shall notify such member, in writing, that a continuance of similar complaints received by the Committee may result in reprimand, suspension, or expulsion. The member shall have fourteen (14) days from the date of mailing or emailing of the Chairperson's letter or email to respond to the charge.
- Sec. 9.11.2 Where a number of complaints submitted by a member indicates a persistent pattern of filing nonpayment or unethical/unprofessional conduct, complaints which are frivolous or without real substance. The Chairperson shall notify such member in writing of such findings and that such continued action by the member may result in disciplinary action

by the Board. The member shall have fourteen (14) days from the date of mailing or emailing of the Chairperson's letter to respond to the charge.

- Sec. 9.11.3 If, after notification by the Chairperson, the persistent patter of nonpayment or unprofessional or unethical conduct by a member continues, or the member persists in filing complaints which are frivolous or without real substance, the Chairperson shall refer the matter to the Board for disposition. The Board at its discretion will determine what constitutes a persistent pattern and may take whatever disciplinary action it deems appropriate. The Board will notify the Chairperson and the Chairperson will in turn notify the member in writing of the action taken.
- Sec. 9.11.4 If membership is revoked, the ex-member shall not be eligible to re-apply for membership for a period of one (1) year from the date of the Chairperson's letter or email notifying the member that his/her membership has been revoked.
- Sec. 9.11.5 Failure to comply with the bylaws of this Association, or the procedures as outlined in this policy manual, or the rulings and decisions of the Arbitration panel or Board, shall constitute sufficient grounds for suspension, expulsion, or any sanction the board deems appropriate.

Refer to www.fapps.org (Publications Tab – Policy and Procedure Manual) for the full Policy and Procedures of the association.