

# PROCEDURES FOR HANDLING COMPLAINTS & GRIEVANCES

November 3, 2008

## Intent

It is the clear intent of this procedure to provide an orderly process whereby significant conflicts are resolved only where other means fail to find resolution. It is not the intent of this document to provide a process for resolution of conflicts that can be resolved by lesser means, i.e., conflicts or matters that are resolved by simple discussion between the parties or by the application of mutually agreeable disciplinary or procedural actions.

## Definitions

For all purposes of this Procedure, the following words and phrases shall have the meanings respectively assigned to them below, unless in any such case a different meaning is plainly required by context:

- Troop Committee Chair (CC) – The registered chairman of the Troop Committee as evidenced by registration records on file with the Sioux Council.
- Registered Leader – An person registered as an Adult Leader in the Boy Scouts of America as evidenced by registration records on file with the Sioux Council.
- Youth – Any non-adult person, not necessarily limited to youth that are registered members of the Boy Scouts of America as evidenced by registration records on file with the Sioux Council.
- Troop Committee – The Troop Committee consists of the Committee Chair, the Secretary, Treasurer and all other leaders registered a members of the Troop Committee or Troop Committee officers pursuant to Boy Scouts of America procedures as evidenced by registration records on file with the Sioux Council.
- Committee Chair Pro-Tem – A person appointed by the Troop Committee to serve as the Committee Chair to deal solely and specifically with a single grievance in the event that that Committee Chair is a party to a grievance.
- Chartered Partner - The organization that holds the charter of the Troop. The Chartered Partner organization is legally responsible for the Troop, including leadership selection, liability insurance for leaders, and spiritual direction and growth development.
- Chartered Partner Executive Committee – the Executive Committee of the Charter Partner organization, or other governing group as designated by the Charter Partner organization.
- Parent – The lawful father or mother of a Youth.
- Guardian – One who has the legal obligation for the care and management of a minor child.
- Designee – A person designated by a grieving party to be their spokesperson. By the assignment of a designee, the party utilizing the designee forfeits all rights to provide any additional information.
- Chartered Organization Representative - The chartered organization representative is a Registered Leader designated by the Troop Committee and is the direct contact between the Troop and the Chartered Partner organization.

## **Procedure**

- 1) All complaints or grievances must be reported as soon as possible to a Troop Committee member or any other registered Leader. In the event of a grievance brought forth by a Youth or against a Youth, the Parent or Guardian of the Youth will act for the Youth in all circumstances contemplated in this procedure, without the loss of any rights or privileges granted in this procedure. The direct involvement of the Youth in this procedure will be at the discretion of the Parent or Guardian of the Youth.
- 2) The grievance recipient will report the grievance to the CC as soon as possible.
- 3) The CC will report the grievance to the Troop Committee as soon as possible. Reporting via group-addressed e-mail is permissible.
- 4) If the CC is either the grieving party or the party against which the grievance is filed, the Troop Committee will appoint a CC Pro-Tem to deal solely and specifically with the grievance. The appointment of the CC Pro-Tem will be determined by a simple majority vote of the Troop Committee members present at the first regularly scheduled Troop Committee meeting or at a special Troop Committee meeting called by at least two Troop Committee members. If a special meeting is called, the sole business of the special meeting will be the appointment of the CC Pro-Tem. The CC Pro-Tem need not be a member of the Troop Committee or a registered Leader.
- 5) If a Troop Committee member is either the grieving party or the party against which the grievance is filed, the Troop Committee member will, for the sole purpose of the resolution of the grievance, have no standing as a Troop Committee member and not entitled to the rights, privileges and obligations accorded to anyone other than the grieved party or the party against which the grievance has been filed.
- 6) In a timely manner, the CC or CC Pro-Tem will inform the grieving party that the grievance has been received and that the party against whom the grievance has been filed will be informed of the filing. Information given to the party against whom the grievance has been filed will include, but not necessarily be limited to: the specifics of the grievance and the identity of the party filing the grievance. In the sole judgment of the CC or CC Pro-Tem, where unusual circumstances are present or where the principles of Youth Protection would be compromised, the identity of the party filing the grievance may be withheld. In the absence of unusual circumstances or Youth Protection constraints, if the grieving party wishes their identity withheld, the CC or CC Pro-Tem may decide, solely at their discretion and without limitation, to nullify the grievance and terminate this grievance procedure.
- 7) Pursuant to the above notification of the grieving party, and within the constraints imposed by unusual circumstances or Youth Protection, the CC or CC Pro-Tem will report the specifics of the grievance and the identity of the party filing the grievance to the party against whom the grievance has been filed.

- 8) The CC or CC Pro-Tem will call a Troop Committee meeting. The meeting may coincide with a regular Troop Committee Meeting. At the discretion of the CC or CC Pro-Tem, a special meeting may be called. If a special meeting is called, the grievance will be the sole business of the special meeting. At the discretion of the CC or CC Pro-Tem, attendance at the meeting may include all Registered Leaders, a subset of Registered Leaders with experience applicable to the grievance, or be restricted to Troop Committee members only. At the discretion of the CC or CC Pro-Tem, and with the affirmation by a simple majority of the Troop Committee as it existed prior to the filing of the grievance, registered Leaders that are invited to the meeting may be designated Troop Committee Members Pro-Tem, with all the obligations, rights and privileges of a Troop Committee Member, for the expressed and limited purpose of dealing solely and specifically with the grievance. At the discretion of the CC or CC Pro-Tem, , and with the affirmation by a simple majority of the Troop Committee as it existed prior to the filing of the grievance, outside parties with experience applicable to the grievance may also be invited to the meeting as a full or partial participant. Unless the Scoutmaster is either the grieving party or the party against whom the grievance has been filed, the attendance of the Scoutmaster at the initial meeting, and any subsequent meetings, will be at the discretion of the CC or CC Pro-Tem only.
- 9) The CC will invite the grieving party to the Troop Committee meeting. Failure of the grieving party to attend the initial meeting or any subsequent meeting, whatever the cause, nullifies the grievance and terminates this grievance procedure. Reasonable attempts will be made to coordinate the timing of the meeting or meetings to accommodate attendance of the grieving party. Verifiable emergency situations are an exception to this section.
- 10) The CC will invite the party against whom the grievance is filed to the Troop Committee meeting. Reasonable attempts will be made to coordinate the timing of the meeting or meetings to accommodate attendance of the party against whom the grievance is filed
- 11) The grieving party, or their designee, will present the grievance to the Troop Committee followed by a presentation by the party against whom the grievance is filed, or their designee. A discussion will be held to fully clarify the grievance and agree on a resolution of the grievance. By relying on a designee to make a presentation, the party utilizing the designee forfeits all rights to provide any additional information. Either party has the right to invite any additional parties to provide information in support of their position.
- 12) If a resolution is reached that is agreeable to the grieving party, the party against whom the grievance is filed and the Troop Committee, the resolution will be memorialized by the Troop Committee Secretary and subsequently signed by the grieving party, the party against whom the grievance is filed and the CC or CC Pro-Tem. Agreement or disagreement of the Troop Committee will be determined by a simple majority vote of the Troop Committee members present at the meeting.

- 13) If no resolution is reached that is agreeable to the grieving party, the party against whom the grievance is filed and the Troop Committee, the Troop Committee will hold further discussion without the presence of any outside parties, the grieving party, or the party against whom the grievance is filed. The participation of the Scoutmaster or any other party in this discussion, without limitation, will be at the discretion of the Troop Committee, as determined by a simple majority vote of the Troop Committee members present at the meeting.
- 14) The results of the Troop Committee discussion will be presented to the involved parties by the CC or CC Pro-Tem.
- 15) If the results of the Troop Committee discussion provides a resolution that is agreeable to the grieving party, the party against whom the grievance is filed and the Troop Committee, the resolution will be memorialized by the Troop Committee Secretary and subsequently signed by the grieving party, the party against whom the grievance is filed and the CC or CC Pro-Tem. Agreement or disagreement of the Troop Committee will be determined by a simple majority vote of the Troop Committee members present at the meeting.
- 16) If no satisfactory resolution is reached, the CC or CC Pro-Tem, on behalf of the Troop Committee, will make a presentation to the Chartered Partner Executive Committee. Attendance at the presentation will be at the sole discretion of the Chartered Partner Executive Committee.
- 17) The decision of the Chartered Partner Executive Committee will be final.
- 18) In all interactions between any and all parties in this procedure, it is expected that the Scout Oath and Law will be rigorously followed. Any person or party willfully violating either the Scout Oath or Law will lose all standing in this process, as determined by a supermajority vote (3/4) of the Troop Committee members present at the meeting at which the vote takes place.