

NARCC
Dispute Resolution Process

RESOLUTION OF DISPUTES

In the event that parties to a coordination dispute are not able to resolve their differences among themselves, said dispute may be presented to the Board for resolution as follows:

- a. Any party to the dispute may submit a Request for Dispute Resolution in writing to the Board of Directors and to each party to the dispute setting forth the facts and the reasons for the dispute.
- b. The board shall, after conferring with the parties, set a date for the hearing and give all parties to a dispute at least thirty days notice in writing of the time and place.
- c. The responding party or parties to the dispute may submit a responsive brief to the Board. Unless otherwise directed by the board the brief shall be sent to the board and all other parties at least ten days prior to the hearing.
- d. Once the dispute process is commenced the parties are not to discuss any material issues of the dispute with individual board members. Inquiries on procedural matters relating to the dispute process should be directed to the president or his delegated representative.
- e. The dispute hearing shall take place in front of a quorum of the full Board of Directors.
- f. The board will rely on the parties to present the facts. However, the coordinators and the technical committee shall cooperate with the parties in making information available for presentation at the hearing.
- g. A board member shall disclose any bias, relationship to any of the parties or discussions relating to the matter he has had with any of the parties after the filing of the dispute and excuse himself from participating the proceedings if such facts would prevent him from being fair and impartial. This would not prevent him from testifying at the request of any party just as other witness at the hearing. Any of the parties or members of the board may raise the issue of ability of a board member to be fair and impartial.
- h. All written documentation that is to be presented at the hearing must be exchanged between the parties ten days prior to the hearing date unless the board upon terms fair to the other party otherwise directs.
- i. Each party shall be allowed a reasonable time to present the issues and for rebuttal and closing. The presentation may consist of written documentation and oral testimony by the parties and witnesses.
- j. At the request of any party or on its own motion the board may continue the hearing to permit the presentation of further evidence or for filing of briefs by the parties.
- k. After presentation by the parties the board shall make its decision within a reasonable period of time. The deliberations shall be at a meeting open to public. The decision and the reasons for the decision together with the vote of each member shall be set forth in writing and entered in the minutes of the meeting. Copies of the decision shall be sent to each party.

END

October 2002