

Nisqually Pines Community Club

Resolution No. 2015 – 1

Complaints Regarding the Conduct of Association Representatives and Others

I. Authority for This Resolution

The Nisqually Pines Community Club, acting by and through its Board of Directors, enacts this Resolution pursuant to its authority as set forth in its Bylaws at Article III(3), Rules and Regulations: “[t]he Board shall, when necessary and appropriate, develop rules and regulations to support the purposes of the association, and to provide procedures for operation.”

The purposes of the Association are found at Bylaws, Article I(3): “The purpose of this association is to promote the community welfare of the members and their families to make Nisqually Pines a better place in which to live and enjoy life, for the benefit of members and their families.”

In addition, the Nisqually Pines restrictive covenants provide, “[n]o noxious or offensive activity shall be carried on upon any of such lots....” They further provide that if any owner, or any owner's assigns, including renters, violates any of the restrictive covenants, then he or she may be prosecuted at law or in equity for damages and injunctive relief.

The jurisdiction of the Association is all land within the Nisqually Pines development, as set forth in the Nisqually Pines Bylaws at Article I(2).

II. Civility at Nisqually Pines Community Club

The Board of Directors finds that Nisqually Pines Community Club is a friendly, rural community with generally mutually supportive members who appreciate living and owning property in the Association’s quiet residential neighborhoods. Friendships among members and generally civil relationships tend to make Nisqually Pines neighborhoods desirable as places to live.

The Board of Directors is responsible for the work of the association. It uses volunteers, agents, contractors, employees ("association representatives") and others to help with this work. Many times, Directors, officers, and these others come into contact with general members and others who are not members, while they are performing the work of the Association. Association representatives, and members and non-members alike, are expected to treat each other with courtesy, respect and politeness (generally, "civility").

Unfortunately, once in a while, an Association representative fails to use civility in contacts with a member or non member, or a general member or a non-member fails to use civility in his or her contacts with an Association representative, or even the representative's spouse, friends or family. This can come directly, or in the form of written communications, or in the form of communications with others intended to have an effect on Association representatives or others within the jurisdiction of Nisqually Pines. The Board of Directors believes it has a responsibility to help protect these parties, and their friends and family members, from such circumstances.

"Civility," for the purposes of this Resolution, is defined as "asserting and caring for one's own needs and beliefs without degrading the needs and beliefs of others in the process."

"Abusive," for the purposes of this Resolution, is defined as "angry, hostile, threatening, and/or insulting, to the point where a reasonable person would consider that a contact has gone beyond a legitimate discussion of issues and has become a personal attack."

Everyone at Nisqually Pines is entitled to freedom of speech, but freedom of speech can be limited. At Nisqually Pines, speech cannot be so noxious or offensive that it becomes abusive. Nisqually Pines wants to encourage its members, and others within its jurisdiction and elsewhere, to be civil to each other, and Association representatives, while exercising this freedom of speech. However, in certain respects, based on its restrictive covenants prohibiting noxious and offensive activities, Nisqually Pines can, and must, control aspects of speech and other communications to protect its representatives and others from abusive communications, and to further its purposes, when such speech or other communication becomes abusive.

III. Association Representatives, Members and Non-Members Shall Use Civility in their Interactions With Each Other

From the date of enactment of this Resolution forward, Nisqually Pines Community Club representatives shall interact with Association members and non-members alike with civility. They shall not act or speak abusively to members or non-members. In addition, members and non-members alike shall interact with Association representatives with civility. They shall not act or speak abusively to Association representatives.

In some instances, there may be differences of opinion about what is abusive and what is not. Those differences of opinion are to be resolved by the Board of Directors as provided below. The Board does not want or intend to prohibit legitimate contacts, just contacts that cross the line into abuse.

IV. Complaints to the Board About Association Representative Conduct

If a member or a non-member experiences an interaction with an Association representative, and he or she believes the Association representative was abusive in that interaction, the member or non-member may file a complaint about the interaction with the Board, on complaint forms that are available for general complaints about violations of Nisqually Pines rules. The member or non-member shall not complain directly to the association representative, but may discuss his or her complaint with the representative's supervisor after it is filed.

Once a complaint about an Association representative is received by the Board, the Board will consider the same in Executive Session, as provided for by RCW 64.38.035(2), or its successor, and respond according to its discretion.

V. Complaints to the Board About Conduct of General Members or Non-Members

If any Association representative believes that he or she has been subjected to an abusive interaction by a member or a non-member, he or she may make a written complaint to the Board of Directors, on complaint forms

that are available for general complaints about violations of Nisqually Pines rules. If the complaint is about a non-member, then the Board of Directors will deal with the member who is responsible for the acts of the non-member according to the governing documents. The Board of Directors will then refer complaints to the Adjudication Committee, which will consider a complaint using procedures that are reasonable and fair. If it determines that it should follow up on the complaint, it may seek more information on its own, or from the complainant or the person complained about. It will proceed with the objective of resolving matters to everyone's satisfaction, if reasonably possible. It should consider referring the parties to community-based mediation of any disputes.

If a mutually-satisfactory resolution is not reasonably possible, the Committee will then set a hearing at a regular or specially-set Board meeting, with reasonable notice to the parties. At the hearing, the Board shall continue to try to find a resolution that satisfies the parties and the Board. It will proceed in a reasonable and fair way to decide if abusive actions or language was used, and, if so, what the consequence should be.

If the complaint is about the actions of a non-member, then the following provision of the Nisqually Pines Bylaws, Article II(1), shall apply, in addition to the provisions of the restrictive covenants:

Each member in good standing has the right to use The Pines' property and facilities, and to permit guests, family members and tenants to do so as well, pursuant to The Pines' reasonable rules and regulations. Each member is personally responsible for the actions of himself or herself, and all such others, as they relate to the facilities and operations of the association, governing documents, and other association rules and regulations, and other requirements.

VI. Consequences for Abusive Actions or Language

Consequences for abusive actions or language may include (1) as specified in agreements among the parties and the Adjudication Committee or Board; (2) requirements reasonably related to the circumstances; and (3) a fine of up to \$500 for the first violation, and up to \$1,000 for each successive

violation within a five-year period. Requirements may include rules about who can contact whom under what circumstances in the future. When determining consequences, the Adjudication Committee/Board shall consider the provisions of the governing documents and other applicable law; circumstances of the contact; the seriousness of the violation(s); the effect on the victim(s) of the violation(s); the amount the violation(s) interfered with business or personal actions; the violator's responses, including acknowledgments and efforts to respond constructively; future opportunities for contacts; and any other matter the Adjudication Committee/Board deems reasonably relevant. The Board's decision is final in such matters. Fines for violations shall be considered to be assessments for the purposes of the Bylaws provisions for the same.


VII. Process

Complaints must be in written form or on an official complaint form, signed by the complainant, provide the address of the complainant, and be delivered to the Nisqually Pines office. Other procedures to be followed are set out in the Nisqually Pines Community Club Complaint Procedures Policy of May 10, 2012, except as inconsistent with this Resolution.

VIII. Other Options

In addition to the process developed in this Resolution, Nisqually Pines, and in addition each Nisqually Pines member, has the option to enforce the terms of the Restrictive Covenants himself or herself. Also, anyone, member or non-member, Association representative or not, should very seriously consider calling police authorities if a crime has been committed, either along with using the processes in this Resolution, or without.

This Resolution was enacted by the Board of Directors of Nisqually Pines Community Club on January 14, 2015



President, Board of Directors
Nisqually Pines Community Club



Secretary, Board of Directors
Nisqually Pines Community Club