

SUMMARY

This rule serves as a guide for addressing disputes within the Commission and outlines the procedures.

PROPOSED RULE

MIC3 Rules: Chapter 700- Oversight, Enforcement, and Dispute Resolution SEC. 7.106 Escalation and Reporting of Disputes

(a) Escalation of Disputes

- (1) Upon becoming aware of any complaint or dispute arising under the Compact, any Commissioner, State Council member, or other interested person may notify the Executive Director of the facts and circumstances giving rise to the dispute or controversy. Upon receiving notice of such a complaint or dispute, the Executive Director shall create and maintain an administrative file for the dispute, and forward copies of the complaint and administrative file to the Commissioner for the State where the dispute originated.
- (2) The Executive Director and any relevant Commissioners shall make all necessary efforts in good faith to resolve any disputes arising under the Compact. At the discretion of the Executive Director, an ongoing dispute shall be issued one of the following designations:
 - i. Level One- The Executive Director and Compact Commissioners continue to work cooperatively to achieve Compact compliance.
 - ii. Level Two- The Executive Director may consult with other members of the Commission, including its standing committees.
 - iii. Level Three- The Executive Director may refer the matter to the Chair of the Compliance Committee.
 - iv. Level Four- The Executive Director and the Chair of the Compliance Committee may refer the matter to the Executive Committee for the consideration of an enforcement action.
- (3) At any time, either the Executive Director or the Chair of a standing committee may request an opinion from the Commission's general counsel regarding an ongoing dispute or complaint.
- (4) An administrative file maintained by the Executive Director shall include copies of all correspondence and relevant documents obtained by the Executive Director in connection with an ongoing dispute or complaint arising under the Compact and

shall be maintained in accordance with the Commission's data retention policies.

(b) Reporting of Disputes

- (1) At any time after becoming aware of a complaint or dispute arising under the Compact, the Executive Director may file a report regarding the same with any of the Commission's standing committees. Such a report shall include a statement regarding the facts and circumstances which gave rise to the dispute, a request for specific action by the Committee, and a copy of the administrative file for the dispute.
- (2) Notwithstanding the escalation procedure in (a), the Chair of the Executive Committee shall be authorized to notify other representatives of a Member State's government of the existence and status of any dispute or complaint arising under the Compact and to coordinate and cooperate with such representatives in any way necessary to resolve the dispute or complaint, or to ensure compliance with the Compact.

- (c) Upon receiving a referral of a dispute or complaint arising under the Compact, whether pursuant to this Rule or otherwise, the Chair of the Executive Committee shall schedule a special meeting of the Executive Committee for the express purpose of discussing the referral as soon as may be practical under the circumstances. Timely notice of this special meeting shall be provided to the Commissioners for any State whose conduct or interests are at issue in the referral, and any Commissioner receiving such a notice shall be entitled to attend the indicated special meeting of the Executive Committee.