
MEMBER RELATIONS BY-LAW

BRIAR ROSE CO-OPERATIVE HOMES INC.

BY-LAW NO. 16

MEMBER RELATIONS BY-LAW

Passed by the Board of Directors on the 26th day of June,
1995.

Confirmed by the Members on the 12th day of September,
1995.

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1. PURPOSE

Article 1: Purpose

1.01

The purpose of this by-law is to establish a fair and workable method for resolving disputes between Co-op members; between Co-op members and the Board and between Co-op committees and the Board. Where such differences exist, every effort must be made to achieve a resolution that is equitable to all parties and only where such resolution cannot be found will the Board have the final decision. Where the Board is one party in the difference, the best interests of the Co-op must be considered and the Board will be expected to act in this consideration. The right of appeal to the membership must be impressed on all parties.

1. PROCESS FOR DEALING WITH COMPLAINTS

Article 2: Process for Dealing with Complaints

2.01 Proceedings under this By-law must be followed except where both or all parties choose not to do so. The Board may deal with breaches of the By-laws as they deem appropriate in the circumstances.

3. MEMBER RELATIONS COMMITTEE

Article 3: Member Relations Committee

3.01 The Board will appoint a Member Relations Committee, or may refer the duties of such a committee to any standing or special committee.

3.02 The Board shall give due consideration to the appointment of members of the committee. The following points must be considered in the selection:

- i) Members of the committee shall not serve on the Board at the same time;
- ii) Members of the committee must demonstrate a willingness to listen fairly to all sides in a dispute without pre-judgements;
- iii) Members of the committee must be available (within reason) to handle disputes as quickly as possible;
- iv) Members of the committee must be able to give the time needed for committee work.

4. REGISTRATION AND FOLLOW UP ON A COMPLAINT

Article 4: Registration and Follow Up on a Complaint

- 4.01 Any member who feels upset about the behaviour or actions of another member, the member's family or guests should first try to speak directly to the member involved.
- 4.02 Any member who is upset by the behaviour or actions of any committee or the board shall request permission to address the next meeting of that committee or the board in order to speak directly to the concern.
- 4.03 Any committee that is upset by the behaviour or actions of another committee or the board should request permission to address the next meeting of that committee or the board in order to speak directly to the concern.
- 4.04 When the Board is upset by the behaviour or actions of any member or committee it shall request that the member or a representative of the committee attend a meeting with a representative(s) of the board in order to speak directly to the concern.
- 4.05 If a member finds that the problem cannot be solved through personal contact, or on the occasions where a member finds it difficult to approach a member personally about a problem, the member will consult with the Co-ordinator. The Co-ordinator may recommend that the problem be referred directly to the Member Relations Committee.
- 4.06 If a committee or the board finds that the problem cannot be solved by direct contact, the group shall consult the Co-ordinator about its intention to refer the member to the Member Relations Committee.
- 4.07 Complaints referred to the member Relations committee must be in writing and must be signed by a/the complainant.
- 4.08 If, after investigation of the complaint, the Member Relations Committee feels it is needed the committee will convene a mediation team of Member Relations Committee members. All parties to the complaint will be asked to attend the mediation session.

5. REFERRALS TO THE BOARD OF DIRECTORS

Article 5: Referrals to the Board of Directors

5.01

Complaints referred to the Board by the Member Relations Committee shall be dealt with in the following manner:

- (a) The Member Relations Committee will provide a written background report to the board prior to discussion at a board meeting and will give a copy of this report to each of the parties involved in the complaint.
- (b) Parties to the complaint will have the opportunity to be heard by the board.
- (c) In determining the final resolution of the complaint, the board will comply with the Occupancy By-law in terms of the prescribed notices, notice periods and rights of members.

6. REFERRALS WHERE THE BOARD IS A PARTY IN THE COMPLAINT

Article 6: Referrals where the Board is a Party in the Complaint

6.01

Where the board is a party in the complaint the Member Relations committee shall seek mediation from a source outside the Co-op. The choices for mediation shall include:

- (a) a Member Relations Committee from another Co-op within the Niagara Region.
- (b) Resource Group or Federation Staff and members.
- (c) a representative from CHF.
- (d) any person deemed qualified and mutually acceptable to all parties.

7. DIVISION OF RESPONSIBILITY

Article 7: Division of Responsibility

- 7.01 This By-law does not apply to disputes between parties which do not involve an alleged breach of the co-op's By-laws or Procedures.
- 7.02 Complaints which are not within the jurisdiction of the Member Relations Committee, or which the Member Relations Committee does not feel it can resolve, will be referred as outlined in Articles 5 and 6.
- 7.03 The Board has the final authority to resolve disputes where it is not a party in the disputes. It has, ultimately, the right to terminate the right of a member to remain living in the Co-op for breach of the Co-op's By-laws and rules in accordance with the Occupancy By-law when the dispute falls within this area of Co-op life.

8. CONFIDENTIALITY

Article 8: Confidentiality

- 8.01 The staff, Member Relations Committee and the board will keep confidential information relating to complaints submitted to them.
- 8.02 Meetings of the Member Relations Committee and the Board, where complaints are being discussed, are not open to Co-op members.
- 8.03 Members of the Member Relations Committee (and the Board) will be removed from these positions for breach of confidentiality.

9. CONFLICT OF INTEREST AND BIAS

Article 9: Conflict of Interest and Bias

9.01 The Member Relations Committee and the board will make every effort to ensure that the persons designated to investigate a complaint are unbiased.

9.02 Any member of the committee or board with a conflict of interest or bias must declare that conflict and abstain from any discussion or decision-making concerning that complaint. The member should be absent during the discussion.

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CERTIFIED to be a true copy of By-law No. 16 of Briar Rose Co-operative Homes Inc., passed by the board of directors at a meeting held on the 26th day of June, 1995 and confirmed by a two-thirds vote at a meeting of members held on the 12th day of September, 1995.


_____ President

c/s


_____ Secretary

MEMBER RELATIONS PROCEDURES

Steps in the Member Relations Process

Within the framework of the Member Relations By-law, the following steps must be followed:

- Step 1** You must speak directly with the other party as outlined in the By-law and only where this is not possible or has not resolved the situation;

- Step 2** You must submit the complaint in writing to either the Co-op co-ordinator or the Member Relations committee. (it is preferred that all complaints go to the co-ordinator.)

- Step 3** The Member Relations committee will investigate the complaint by interviewing both (all) parties in the dispute.

- Step 4** The Member Relations committee will decide on its ability to handle the dispute and where possible will go on to:

- Step 5** A mediation session will be convened with both (all) parties in the dispute present. This will result (hopefully) in the resolution of the conflict and a written agreement which can be signed by all parties. Where agreement does not occur you will go to:

- Step 6** Referral of the dispute to the board or, where the board is in dispute, another mediation body as prescribed in the Member Relations By-law.

- Step 7** Final resolution should be achieved. Where breaches of the By-law's have occurred, eviction may result from the dispute.

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Each of the Steps Explained:

STEP 1

Where you as a Private Member, a Committee or the Board have a complaint about another member or group in the Co-op, you must first attempt to deal with the problem in a direct manner.

With a Member . . .

- i) contact the member at an appropriate time as soon after the incident as possible.
- ii) approach the member in a spirit of friendly co-operation and listen to any explanations the member may give about the incident.
- iii) try to be calm in your approach; yelling will only cause the member to return in kind.

With the Board or a Committee . . .

- i) submit a request to attend the next meeting of the group to address your complaint. Give as many details as possible to clarify why you need to talk with the group; they may not know there is a problem until you tell them.
- ii) if time is limited, contact the committee or board chairperson and briefly explain your concern and attempt to deal with it directly.

Some General Guidelines

It is very important that you explain exactly what you see as the problem while avoiding personal remarks.

- i) It is the high volume of the radio playing at 11:30 that is keeping your two-year old awake - it is not their rotten, lazy teenager.
- ii) It is the surprise you felt at seeing a face looking in your window - not their perverted child who was obviously raised in a barn and will never know any better.
- iii) It is the inconvenience of not having your assigned parking spot when you return home and not their stupid, lazy, drunken visitors who cannot read a

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number in a parking space.

Where a group is in conflict with you or your group be very sure of what your complaint is and be specific .

- i) The board has not yet responded to your request to hold the mud fights in June to increase laundry revenues - not that the board is a bunch of ***** nosed cowards who couldn't recognize a decision if it jumped on them.
- ii) The committee has not yet submitted a budget for next year - not that the committee is a bunch of mess-ups that are off on some ego trip and don't want to answer to anybody or anything.

Don't jump and scream the first time something happens - be co-operative in what you expect of your fellow members.

Stick to one specific event - don't draw on 2 years of niggling little complaints and expect them to add up to eviction.

Be aware of why you are responding to this situation with anger or frustration. If you just got fired - you may not be as co-operative as you could be.

And Finally . . .

Be co-operative

STEP 2

Written complaints should be on the Member Complaint form where one exists, otherwise the complaint must clearly state:

- i) the name of the person making the complaint;
- ii) the name of the member, person or group about whom you are complaining;
- iii) the specific nature of the complaint showing what action is occurring and what is the result of the offending action;
- iv) what you would consider a reasonable and suitable resolution of the complaint.

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The complaint should be delivered to the co-op co-ordinator. When a complaint is delivered to a Member Relations Committee member, the committee member must report the complaint to the co-op co-ordinator and copies will be placed in the files of the complaining member (group) and the member (group) complained about. The original complaint form will stay in the Member Relations Committee confidential records.

All complaints must be signed.

The co-op co-ordinator should be ready to assist any member or group in completing the Complaint Form so that it complies with the requirements of the Member Relations Committee.

STEP 3

The Member Relations Committee will meet to select the committee members who will visit with all parties to the dispute.

Where one party is a committee or the board, the chairperson of that group will be contacted to act for the group or to select a contact person.

STEP 4

Following the visit with both parties to the dispute the selected Member Relations Committee members will prepare a report for the Committee in which they will recommend that the Committee become involved in the dispute or not (where the dispute is not within the jurisdiction of the committee or not likely to be resolved by mediation).

Where the Committee does not feel that the dispute will be resolved within the guidelines of the Member Relations By-law, a report will be sent to the board giving the reasons for the decision.

The Board can send the complaint back to the Member Relations Committee but must present their reasons for doing so at a meeting of the Member Relations Committee. The Committee may make further representations at this meeting but must accept the decision of the Board.

Where the Committee is prepared to handle the dispute they will convene a mediation session with both parties present as at **STEP 5**.

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STEP 5

A Mediation Session will be convened. All parties to the dispute will be asked to attend the session within the guidelines of mediation and as agreed to by all. It shall be the intent of the session to have the parties to the dispute resolve it with a little intervention by the committee as possible. The Member Relations Committee members who sit in on the session will act to keep the parties to the agreed format.

The Parties to the dispute will write their resolution together and sign the document to show their intent to abide by the resolution. This shall be a binding agreement for all parties.

Where the mediation process is not working and no resolution of the dispute seems likely, the Member Relations Committee will adjourn the meeting and submit a report to the board or, where the board is a party to the dispute, some other body as per the Member Relations By-law Articles 5 and 6.

STEP 6

When the board is not a party to the dispute:

The Member Relations committee will submit a written report to the Board stating the nature of the complaint and what action they have undertaken to bring the parties to resolution. The Committee may also state what they feel is the greatest area of conflict and make recommendations about what they believe the board should do. The board is not bound to these recommendations but shall give them due consideration. This report will be kept confidential.

The Board will give notice to the parties to the dispute stating that they are to attend a board meeting. It must be made clear that the board's decision will be final and binding to all parties unless both parties agree to appeal the board's decision to the full membership at the next General Members Meeting.

When the Board is a party to the dispute:

The Member Relations Committee will submit a written report to whichever mediator(s) has/have agreed to handle the dispute as per Article 6 of the Member Relations By-law. The Committee may state what they feel to be the area of greatest conflict and make recommendations about what they believe the Group should do. The Group is not bound to these recommendations but will give them due consideration. This report will be kept confidential.

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The Group will give notice to all parties to the dispute to attend a meeting. It must be made clear that the Group's decision will be final and binding to all parties unless both parties agree to appeal the Group's decision to the full membership at the next General Members Meeting.

STEP 7

Where final resolution has been achieved whether by mediation or arbitration, the resolution will be enforced. The Member Relations Committee will present its final report to the board outlining the general nature of the complaint, what steps they have taken in the dispute, the final resolution and how it was achieved. The Board of Directors will be responsible for enforcing the final resolution and for any action or eviction that may be called for.

Passed by the Board of Directors this 26th day of June, 1995 .



President

