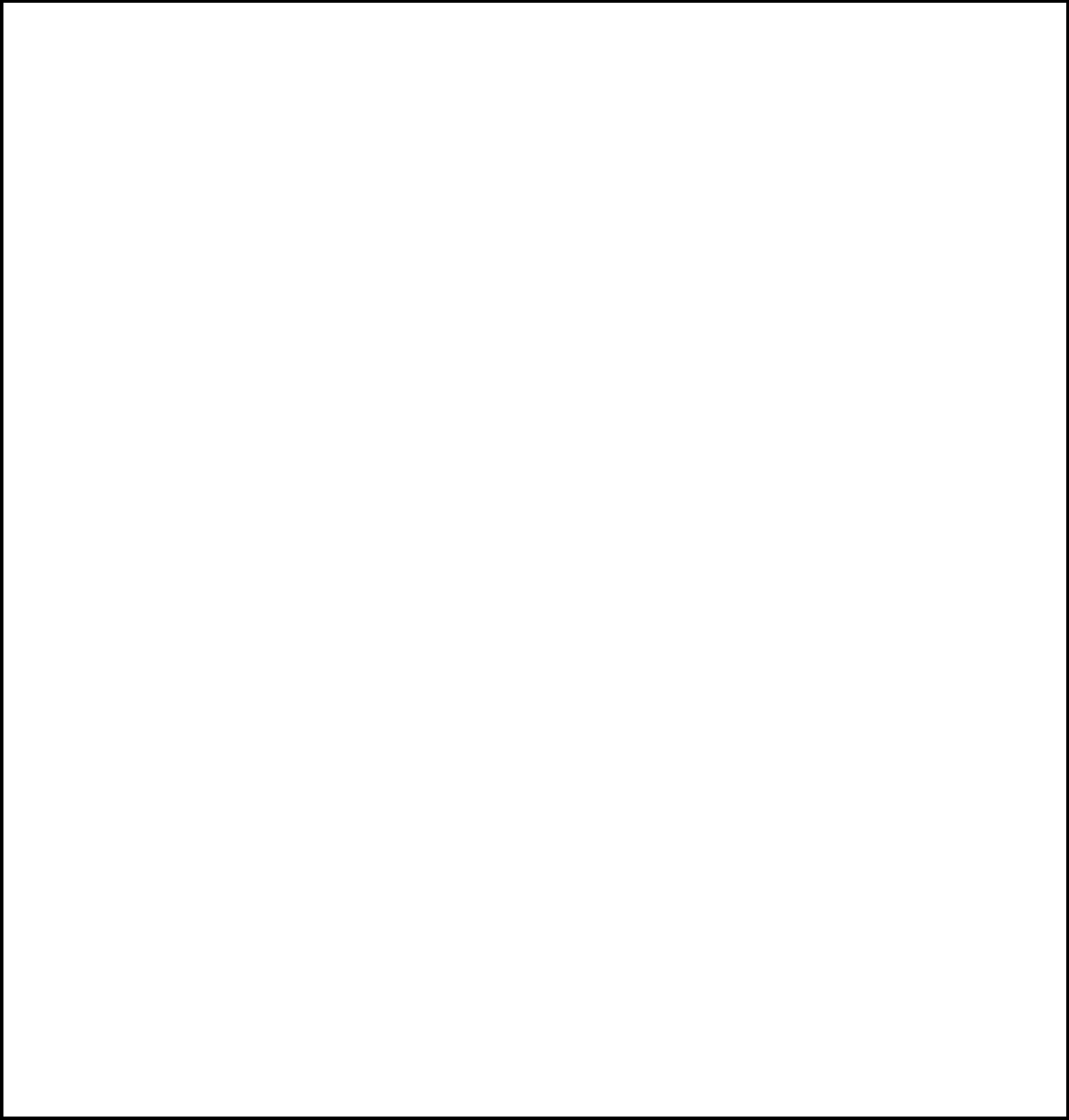




**BOULDER HOUSING COALITION**

**MEDIATION & MEMBER REVIEW POLICIES**

**June 2017**



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## **The Cooperation Committee**

The International Cooperative Alliance defines cooperation in housing coops this way:

### **Definition**

A cooperative is an autonomous association of persons united voluntarily to meet their common economic, social, and cultural needs and aspirations through a jointly-owned and democratically-controlled enterprise.

### **Values**

Cooperatives are based on the values of self-help, self-responsibility, democracy, equality, equity, and solidarity. In the tradition of their founders, cooperative members believe in the ethical values of honesty, openness, social responsibility, and caring for others.

### **Definition of Non-Cooperative Behaviour**

In the best-case scenario, a housing coop is an oasis of respect, responsibility, and cooperation.

Unfortunately, sometimes, despite the house's best intentions and efforts to select people who will be the right fit for the BHC, folks may find themselves living in a BHC coop & displaying non-cooperative behaviour. This is harmful to the houses and can erode our morale and our ability to fulfill our mission over time.

Non-cooperative behaviour may include:

- Failure to attend a majority of the house meetings in a 2-month period
- Failing to participate & engage in the consensus process with the spirit of what's good for the whole group in mind; failing to hear, honor and accommodate the wishes and views of other community members
- Failing to uphold agreements reached in house meetings or during conflict resolution processes
- Unwillingness to engage in a conflict resolution process with a mediator, when requested by another cooper; or refusal to settle a dispute with another cooper in order to restore harmony to the community as a whole
- Being discriminatory against people; failing to nurture each other's individuality; failing to respect diverse lifestyles, cultures, spiritualities and ideologies
- Being unwelcoming towards folks who live in the coop or visit the coop or apply as potential house mates
- Failure to do any of the things described in the bylaws or membership manual for the particular coop house

- Failing to pay rent or food fees: if a cooper displays a pattern of repeatedly paying for rent & food late, this can be considered non-cooperative behaviour because it places an unnecessary amount of burden on the volunteers who help the house run smoothly, especially the house accountant. If a cooper has received a Three-Day Notice three times, they are being non-cooperative. If they have requested a Payment Plan and then failed to follow through on its terms and deadlines three times, they are being non-cooperative.
- Failing to complete one's labour responsibilities to the house

Members of BHC coops who display non-cooperative behaviour may be required by the Boulder Housing Coalition to come before the Cooperation Committee.

### **Who is on the Cooperation Committee?**

The BHC Board will appoint the members of the Cooperation Committee on an on-going as-needed basis. 4-6 members is an ideal size, so that the committee can meet and deliberate quickly and efficiently when called upon to do so, ideally including 2 BHC board members who do not currently live in a BHC house and 2 non-board members who currently live in BHC houses. Up to two additional members can be from the BHC Board, BHC houses or other co-ops. The BHC Executive Director will not have voting rights on the Cooperation Committee, however can be involved meetings and in any Non-Cooperative Member Review.

- If a conflict comes up within a house, that house's board member will recuse themselves from the Cooperation Committee. If a conflict surfaces between two houses and two members have to recuse themselves, the board will bring in an extra person for that particular conflict resolution. Discussion of who that will be will happen at the time of the incident. Recused committee members may re-join the Cooperation Committee after that particular process has been resolved.
- The member who is up for review by their house cannot vote on that item (on themselves) during the house vote.

### **What does the Cooperation Committee have the power to do?**

The Cooperation Committee, a subcommittee of the BHC board, is a group that investigates accusations of non-cooperative behavior and examines chronic house conflicts that are not able to be successfully resolved at the house level.

We aren't here to save people from having to talk to each other and work things out on their own. There should be a good faith effort by the house to cooperate and resolve its own challenges.

If the houses are struggling with a non-cooperative member who presents persistent problems, this sub-committee exists to support that house and to facilitate the Member Review process. The existence of this sub-committee ought to bring support and accountability to the entire BHC system.

The ultimate power of the committee is the ability to terminate tenancy of any resident of the BHC system. We don't want it to be impossible to terminate tenancy for persistent non-cooperative behavior, but we also don't want to provide a quick & simple avenue for a person to be kicked out of a BHC house, because terminating tenancy is a very serious matter.

This sub-committee intends to:

- help coopers move past conflicts,
- encourage open communication within the houses,
- protect the full BHC board from hearing about issues that really concern the houses & ought to be resolved at the house level when possible,
- help maintain the autonomy of each house,
- and also protect the BHC system, its mission and its vitality and sustainability.

If nothing is brought to our attention, we will never act; but if a BHC house does come to us and ask for support, we have a process and clear procedures to follow. All Member Reviews will be heard by the Cooperation Committee, who will decide the appropriate action to take (i.e. referring it back to the house in question, probation, termination of tenancy) and their decision about the Responding Member will be binding.

## **Documentation**

All instances of non-cooperative behavior must be documented by the house before they are reported to the Cooperation Committee. An example of documenting is the accountant showing who paid rent on time and who did not, or the labor steward documenting who did their 6 hours of labor and who did not. Documentation should be done on a regular basis. To alert the system that something that happened is not just business as usual, documentation of non-cooperative behaviour should be sent to this email address: [cooperation@boulderhousingcoalition.org](mailto:cooperation@boulderhousingcoalition.org). Documentation can be sent to this address by anyone, but most often it will be sent by the house accountant, labour steward, or a Mediator.

## **Types of Conflict in Coops and Pathways to Resolution**

**1. Healthy Confrontation (TYPE ONE):** If a member has an issue with another, it is their responsibility to address the member and attempt to work it out. Refer to the current Conflict Resolution Manual for helpful tips and suggestions for resolving conflict. The manual is here:

<https://drive.google.com/drive/u/0/folders/0BxDmyVprAfCYRXlZVmhwa3h4c00>, or request a copy from the BHC Executive Director. Communicating your feelings to those with whom you share a living and working environment is an important aspect of cooperative principles. If, however, a member feels that their personal safety or the safety of the house is of concern, a TYPE TWO or higher resolution process should be requested.

**2. Interpersonal Conflict Resolution (TYPE TWO):** If the conflict persists and you have already tried a TYPE ONE resolution and/or you feel unable to address an issue on your own, you then have the option of moving to a TYPE TWO resolution that involves Trained Mediators to help negotiate the issue. These mediators do not have to live at your house. Contact the Cooperation Committee for the Trained Mediators. If the Responding Member disapproves of a Mediator, this must be made known to the Cooperation Committee within 48 hours so that another Mediator may be found. In this process the two members who have conflict with each other (the Initiating Member, who requested mediation, and the Responding Member) must try to negotiate and reach a mutual agreement. In the three weeks following the mediation, the Mediators will keep tabs on the parties to the conflict to ensure that the agreement(s) continue(s) to be respected. Procedures for this type of conflict resolution can be found on page nine of the Conflict Resolution Manual, <https://drive.google.com/drive/u/0/folders/0BxDmyVprAfCYRXlZVmhwa3h4c00>. Documentation that the mediation took place should occur after the mediation; the Mediators must send an email to [cooperation@boulderhousingcoalition.org](mailto:cooperation@boulderhousingcoalition.org) with this information:

**Mediation Report:**

Date of mediation  
Start and end time of mediation  
Name(s) of mediator(s)  
Name(s) of parties to conflict(s)  
Summary  
Agreements reached  
Recommendations

**3. House Level Conflict Resolution (TYPE THREE):** House Level Conflict is any time there are three or more parties involved in a conflict and it is affecting the morale and functioning of the housing coop. All conflict should be resolved at the house level when possible, by discussing it as a group. A framework for how to engage in this process is outlined in detail below, and also, in the Conflict Resolution Manual. After this issue has been brought to a house meeting three times, anyone from the house can notify the Cooperation Committee by email to request a Member Review.

### **Process to support the house in discussing a TYPE THREE conflict:**

- a. At a regular house meeting, a Type Three conflict can be addressed if quorum has been achieved. Quorum is half of the total number of residents plus one. In cases where there is an uneven number of residents, we round up to the next number. (Examples: 13 people live at Masala. Quorum is not 6.5, it is 7. 21 people live at Ostara. Quorum is not 10.5, it is 11. 14 people live at Chrysalis. Quorum is 8.) No proxy voting is allowed.
- b. Community Guidelines shall be established at the beginning of the meeting.
- c. Both the Initiating Member and Responding Member have the opportunity to bring outside support, as desired.
- d. Two members of the house shall be chosen to play the role of Mediator. If two trained Mediators who live at the house are not available, or if parties to the conflict would prefer to have Mediators who do not live at that house, then the Cooperation Committee can provide this resource.
- e. A Minutes Taker will record the minutes. A copy must be emailed to the house.

**4. Serious Violations (TYPE Four):** The Cooperation Committee may terminate the tenancy or refuse to renew the lease of any resident in the BHC system for serious or repeated violation of the terms and conditions of the lease or for violation of applicable federal, state or local law. Any termination or refusal to renew must be preceded by 30 days written notice from the BHC specifying the grounds for the action. The resident whose tenancy is being terminated has the right to appeal (see below) and the appeal will be heard by the board of the BHC at the next possible BHC meeting.

### **Non-Cooperative Member Review**

These are the things that cause the Cooperation Committee to call for a Member Review:

- **TYPE THREE** conflict that is still unresolved after it has been discussed in three house meetings.
- One instance of illegal activity, discrimination, [abuse](#) or [harassment](#). This can be reported by anyone, and the person reporting can choose to remain anonymous. These are the protected classes of people who may not be discriminated against according to Boulder law: *race, creed, color, sex, sexual orientation, gender variance, marital status, religion, national origin, ancestry,*



- pregnancy, parenthood, custody of a minor child, or mental or physical disability of that individual, or such individual's friends or associates.*
- Three **documented** instances of non-cooperative behaviour. (See “Examples” below). These can be reported by anyone who has three valid house **documents** or reports, such as labor reports, meeting minutes, mediation reports, payment plans or other documents signed by the house accountant, including 3-Day Notices, etc. This person will serve as the Initiating Member.

The Member Review process will be led by the Cooperation Committee (see attached Flowchart):

a. If the Cooperation Committee feels that a review is warranted, the Committee will select the two mediators, neither of whom should live at the house directly involved, and notify the Responding Member that the Review has been initiated. The house will select one Initiating Member (if there is more than one) to represent its interests in the Member Review process. If the Responding Member disapproves of a Mediator, this must be made known to the Cooperation Committee within 48 hours so that another Mediator may be found. The Responding Member will have seven days to cooperate in finding a meeting date and time that works with the Mediators. If the Responding Member will not find time after a seven-day period, the Cooperation Committee will make a determination if tenancy should be terminated. Both the Initiating Member and the Responding Member have the opportunity to bring outside support, as desired.

b. The mediation will use the Restorative Justice Mediation scripts provided by Longmont Restorative Justice Partnership (LCJP) to complete the mediation. The mediators will submit the Restorative Justice Mediation Agreement to the house and to the Cooperation Committee. If no agreements are reached the Cooperation Committee will make a determination if tenancy should be terminated.

c. Member Review meeting will proceed as follows, with the entire house, the two mediators and the Initiating and Responding Members present.

1. One Mediator shall moderate the room’s vibes while the other shall moderate the procedure and rules. Community Guidelines shall be established at the beginning of this meeting. The agenda shall be outlined by the mediation team.
2. The Restorative Justice Mediation agreement will be presented to the house by the Mediators.
3. Beginning with the Initiating Member and Responding Member, all house members present, in round-robin fashion, will be allowed to comment on the Restorative Justice Mediation Agreement and state what they are willing to do to personally support the resolution of the conflict.
4. Clarifying questions may be asked at this point.

5. The house may request modifications to the Restorative Justice Mediation Agreement as necessary.
6. If the agreement has been modified then the whole house, including the Responding Member must reach consensus on the new agreement.
7. If no agreements are reached the Cooperation Committee will make a determination if tenancy should be terminated.

d. A copy of the modified Agreement must be emailed to the Responding Member, the house where the conflict has taken place, the BHC staff, and the Cooperation Committee at [cooperation@boulderhousingcoalition.org](mailto:cooperation@boulderhousingcoalition.org).

### **Termination of Tenancy**

If a member's tenancy is terminated, they have 30 days to move out of the coop. They may not apply to live in a different BHC house at any point in time.

### **Member Probation**

The Cooperation Committee may choose to impose **Member Probation**. The terms must be fair, non-discriminatory, conform to house and BHC policies, and not demand undue conditions. If behaviour does not change within a reasonable time frame, the tenant's tenancy will be terminated. In order to remain in the coop, the member on probation must show the Cooperation Committee that they have fulfilled the conditions.

### **Appeals Process**

If the Responding Member feels the process was unfair, biased, or a violation of BHC Policies & Procedures they may contact the BHC board and staff before the next board meeting by emailing [board@boulderhousingcoalition.org](mailto:board@boulderhousingcoalition.org) and requesting an appeal of their Probation or Termination of Tenancy. The appeal will be heard at the next possible BHC meeting where the Responding Member will appear in person to make their case. The BHC board will attempt to hear from all sides including other house members, Mediators, and/or a member from the Cooperation Committee. The BHC Board will then go into a closed session and decide whether or not to appeal the Probation or Termination of Tenancy.

### **Examples of documented instances of non-cooperative behaviour**

Fran is involved in a conflict with Jordan and a mediator supports them in reaching agreements, however, Fran does not abide by the agreements. The mediation was

documented by the mediator and emailed to the committee. Two months later, Fran asks for an extension on rent and fills out a payment plan, but Fran fails to abide by the terms of the payment plan. The payment plan was documented in the house meeting minutes and by the accountant. That same month, Fran fails to do labour for the house, as documented by the labour steward and reported to the house during the monthly labour report. Fran is asked again during a house meeting to fulfill their agreement around labour and Fran fails to do so the following month. These three instances of non-cooperative behavior, if documented, would be grounds for Fran to be reviewed by the Cooperation Committee.

Brunhilda, the accountant, has documented three instances of non-cooperative behavior by one member Bryce: the first time, it was late rent without paying late fees, the second time it was late food fees, and the third time it was a payment plan whose terms were not followed. Brunhilda is too shy and conflict-avoidant to bring this up at house meeting, but her house mate Ayda who lives in the next room overhears her complaining about it & offers to report the trend to the community at the next house meeting. Brunhilda is relieved that she doesn't have to be the one to do it. Ayda brings it to the house and the house feels that since Bryce does a ton of labor for the house it's ok to let the late payments slide. Ayda feels that Brunhilda is clearly being negatively impacted by this so she reports it to the Cooperation Committee.

The labour steward, Jasmine, reports to the community once per month on how many hours each cooper is spending doing their chores and stewardships. He notices that for three months in a row, Paulette has done less than 6 hours of labor as agreed to in the lease (the house bylaws, labor system and rules are all incorporated by reference into the lease). Jasmine reports this at each house meeting. Jasmine goes out of town and doesn't report this to the Cooperation Committee, however several house members feel that Paulette's consistent lack of participation in the labor system is negatively impacting the house and they email the Cooperation Committee the three sets of meeting notes which document how the house has reminded Paulette about the labor requirement.

Arturo has been in mediation 3 times with 3 different people he lives with. Although he is now getting along better with one of the three, Arturo has failed to abide by the terms that were articulated in two of the mediation sessions. When the volunteer mediator follows up with Arturo and learns that he is not abiding by the agreements, that mediator then e-mails the Cooperation Committee saying that they deem the resolution unsuccessful. At this point, if Arturo has one more infraction, his behaviour could be considered non-cooperative. His house mates might want to check in with him about this in an upcoming house meeting.

L.G. is a student who was too busy studying to attend the house's Wednesday meeting. The following week, L.G. went on a camping trip with a cute lady and missed another house meeting. One month later, L.G. missed two meetings in a row

because she overslept, and then she went to a political protest. Of course, attendance at weekly house meetings is documented in the notes, so an observant cooper took notice of this pattern. Failure to attend at least half of the house meetings held in a 2-month period could be considered non-cooperative behaviour, so L.G. is being asked by her house to change this behaviour. If L.G. doesn't start attending meetings more often, the Cooperation Committee may initiate a member review which could result in probation or termination of tenancy.

Let's say Reggie is having trouble getting along with Partridge. They just have never, ever been friends. The other house mates are aware of this, but it has never been a problem until one day, Reggie is having a rough time due to some personal matters. Suddenly, the tension with Partridge escalates. Reggie commits a physical act of aggression towards Partridge's private property, while shouting derogatory remarks about Partridge's sexual orientation. Other house mates are intimidated and they consider this a Type Four conflict, so they immediately ask the Cooperation Committee to intervene. In the Non-Cooperative Member Review, it is established that all other dimensions of Reggie's participation in the community had been positive until this incident. So the Cooperation Committee chooses to place Reggie on Probation. However, two weeks later, another cooper overhears Reggie using a derogatory slur about Partridge's race and reports this to the Cooperation Committee. At this point, Reggie is given 30 days notice before termination of the tenancy.

Mikaela and Geoffrey have had an ongoing series of conflicts. The conflicts grew to such a level that everyone in the house sensed them and felt uncomfortable. Whenever they were in the room together there was palpable tension that could be felt, though they rarely spoke to each other. Numerous all-house meetings (more than 3) were held to discuss this dynamic, during which Mikaela and Geoffrey and other house members were so distraught they cried. Multiple third-party mediations were attempted but neither party could come to an acceptable resolution, so nothing could be implemented. The Cooperation Committee was notified and they learned that that everyone in the house wanted to move out because of this situation, except Mikaela and Geoffrey who refused to leave. The Committee provided two mediators who facilitated an all-house Member Review which resulted in a 2/3 house decision to terminate the tenancy of both Mikaela and Geoffrey. Both of them appealed to the BHC board, who invited them to the next Board meeting. The Board heard testimony from both of them and from every house member who wanted to speak at the meeting. After deliberating, the Board decided to uphold the decision of the Committee and terminate the tenancy of both Mikaela and Geoffrey. They were both notified immediately of the Board's decision and told they had 30 days to move out, or an eviction proceeding would begin.

## **Glossary**

BHC system: this refers to all three houses in the BHC organization -- Masala, Chrysalis, Ostara

Initiating Member: Is a member of a co-op that submits a Request For Mediation form to the Committee on Cooperation or a co-oper that submits some or all of the documents that are required for a Member Review. If multiple co-ops submit documents for a member review the house will need to select one person to be the Initiating Member

Probation: the probation period for a Responding Member lasts one month and its terms are determined by the Mediator. If behaviour does not change, the tenant's tenancy will be terminated. This is one possible course that the Cooperation Committee could choose.

Responding Member: A co-oper that is listed on the Mediation Request Form as the Member You would like to have mediation with. If the Committee on Cooperation receives 3 reports of uncooperative behavior for one co-oper then that person is the Responding Member.

Termination of tenancy: if a member's tenancy is terminated, they have 30 days to depart from the co-op. If they do not do so, we move to a legal eviction process.