

Member's legal rights policy:

GENERAL APPEAL

Note: If the Member Relations Committee is not functioning at the time the grievance is filed, it will be the Board of Directors responsibility to deal with the grievance process.

1. **Any Co-op Member has the basic right to appeal in writing any decision made by the Co-op, whether it be by a Committee or by the Board of Directors.**
2. This policy is subordinate to any other policy or bylaw which contains any appeal procedures in it. In a case where appeal procedures in another policy are inadequate or not outlined, the General Appeal Policy will be viewed as an extension of that policy.
3. There are two types of appeals:
 - a) Appeals of Committee decisions.
 - b) Appeals of Board of Directors decisions.
 - A) Since all Committees are answerable to the general membership through the Board of Directors, appeals of Committee decisions will be handled in the following manner:
 - i) Within 10 days of the Committee's decision, the Member must submit to the chairperson of the Board of Directors a letter of appeal.
 - ii) Within 10 days of receipt of the letter of the chairperson must call a meeting of the Board of Directors to resolve the appeal. Unless all parties agree otherwise, this meeting will be closed to all but:
 - a) the Board of Directors
 - b) the chairperson, or spokesperson, for the committee
 - c) **the member who is appealing the decision, or their spokesperson, and**
 - d) An appointed chairperson, if necessary [as per a (iii)].
 - iii) The chairperson for the special Board meetings will be, mutually appointed by both sides of the appeal. Each side may choose a representative to state its case at the meeting. The meeting shall include the following:
 - a) an opportunity for each side to state its case;
 - b) an opportunity for each side to rebut;
 - c) an opportunity for the members of the Board to ask questions; and
 - d) a vote by the Board.

The duration of points (a), (b), and (c) will be at the discretion of the chair. However, points (a) and (b) must be equal time in duration for each side of the appeal.

- iv) At this meeting only members of the Board of Directors have a vote. The voting will be held in private.

- B) Including section A above, any decision of the Board of Directors can be appealed to the General Membership with the following regulations:
- i) **Within 20 days of the Board's decision, a petition must be submitted to the chairperson of the Board. The petition must contain the motion for appeal to be discussed and the signatures of at least twenty (20%) of the Co-op Members.**
 - ii) Upon receiving this petition, the Board of Directors must call and hold a special meeting within 20 days giving the Members of the co-op 10 days' notice of this meeting.
 - iii) The chair for the special Membership Meeting will be, mutually appointed by both sides of the appeal. Each side may choose a representative to state its case at the meeting. The meeting shall include the following:
 - a) an opportunity for each side to state its case;
 - b) an opportunity for each side to rebut;
 - c) an opportunity for the Membership to ask questions; and
 - d) a vote by the Membership.

The duration of points (a), (b), and (c) will be at the discretion of the chair. However, points (a) and (b) must be equal time in duration for each side of the appeal.

- iv) It is the responsibility of both sides of the appeal to appoint a scrutiner to supervise the counting of the ballots. The names of scrutiners must be given to the chairperson before the meeting. If either side does not pick its scrutiner, the chairperson will choose one, or both, at the beginning of the special meeting.
- iv) All voting will be by secret ballot and the count will be kept secret unless the losing party asks for the official count.
- v) A recount of the votes may be, requested by either party. Once the number of a recount matches a previous count or recount that number will be the final count and the ballots will be destroyed.
- vi) If no recount is asked for, the ballots will be destroyed.
- vii) No business may be discussed at the meeting, which does not relate to the petition for the meeting.
- ix) **Unless a petition to re-instate the appeal of at least seventy-five percent (75%) of the Membership is brought to the Board of Directors, the decision of the special Membership Meeting is final.**

NB For all appeals related to the termination of Membership, an appeal to the Registrar of Co-operatives may be made as outlined in sections 122, 123, and 124 of the Co-operatives Act.

SAFETY EQUIPMENT TAMPERING

Any member(s) being caught tampering with Safety Equipment in their unit, will have their membership put under review, with the possibility of termination of membership and eviction. The safety equipment of each unit consists of the fire extinguishers (nothing can be hanging on them at any time) and the all smoke and carbon monoxide detectors (they must remain installed at all times), no tape covering the sensors will be tolerated. The City of Saskatoon has an imposable fine of \$25,000.00 for tampering with smoke and carbon monoxide detectors, which the member will be paying not Rainbow Housing Co-operative LTD.

NOISE

1. Members shall not behave in any fashion, which may unreasonably interfere with the enjoyment of other members or their families.
2. Members and their guests shall not commit or permit any nuisance, noise or disturbance, which would unduly disturb other members or their families.
3. Members will comply with city/town noise bylaws.
4. Any member disturbed by noise or nuisance caused by another member will attempt to resolve the problem with the offending member before registering a complaint with the co-op or the police.

ABUSE

Rainbow Housing Co-operative strives to create a safe and secure community. If a member of the Co-operative feels that an act of abuse has been inflicted on oneself, any other member, or the co-operative as a whole, a complaint may be filed under the Abuse Policy.

Definition of Abuse: 1. To use wrongly or improperly; to misuse. 2. To treat harmfully, injuriously, or offensive. 3. To speak insultingly, harshly; unjustly to or about.

Procedure

1. A written complaint must be submitted to the Chair of the Member Relations Committee/Board. If the complaint involves (directly or indirectly) the co-operative member holding this position, the complaint may be received by any member of the Co-operative Board of Directors.
2. Once a complaint has been received, an investigation will be undertaken by the Member Relations Chair (or Board Member) and the Member Relations committee/Board. The alleged will then be informed that a complaint has been made. The complainant and the alleged will both be interviewed, as well as any other co-operative member that may be able to provide relevant information. The situation will be documented as accurately as possible and all information gathered will be kept in confidence.
3. If upon completion of the investigation, which may or may not involve a mediation process, the alleged may be disciplined by recommendation of the Member Relations Committee/Board, and approved by the whole Board of Directors. Such recommendation may include termination of membership.
4. Serious situations of abuse may be forwarded to the legal system, on the discretion of the Board of Directors

GRIEVANCE

Definitions

"Complainant" - member filing a complaint

"Complaine" - member against whom a complaint is filed

1. All parties involved in a grievance shall keep matters confidential. This includes the complainant, the complaine, the Member Relations Committee/Board, and any other person involved in the Grievance procedure.
2. Complaints submitted to the Member Relations Committee/Board must always be in writing and signed by the complainant. (This helps to discourage frivolous complaints, to anonymous complaints, which, cannot be properly investigated.)
3. Upon receipt of a written complaint, the Member Relations Committee/Board must ascertain that the complainant has made at least one attempt to personally resolve the problem with the complaine. The complainant may be required to submit a written and signed account of her/his attempt to solve the problem directly. Until it has been ascertained that a complaint is valid, the Member Relations Committee/Board will not inform the complaine of the situation.
4. Any complaint considered by the Member Relations Committee/Board must be investigated sufficiently to determine whether or not the complaint is valid and whether or not a co-op regulation has been violated.

The investigation will include the following:

- a) An interview with the complainant;
 - b) an interview with the complaine;
 - c) Interviews with any other persons obviously implicated or who have relevant knowledge of the situation.
5. Interview will be conducted by two members of the Member Relations Committee/Board at a time. Member Relations Committee/Board members will decline from sitting on an interview team where a bias may affect their objectivity and fair judgement of the matter (e.g., where a close friend or family member is the person against whom the complaint was filed).
 6. If, from its investigation, the Member Relations Committee/Board determines that a member has violated a co-op regulation, or is not fulfilling his/her responsibilities to the co-op, the Member Relations Committee will:
 - a) Where appropriate, assist the complainant and complaine in arriving at a mutually agreeable solution to the problem.
 - b) Where necessary, ascertain and explore solutions to the problem with the complaine without the participation of the complainant.

In either case, where a procedure for solving the problem has been agreed upon by the complainant and complaine, or by the complaine and the Member Relations Committee/Board, the Member Relations Committee/Board will monitor the situation to ensure that the procedure is being followed.

7. Where no solution is found, or a proposed solution does not work, and where the Member Relations Committee/Board can see no other course of action, the Member Relations Committee/Board may recommend termination of the occupancy rights of the member(s) in violation.
8. Contact by the Member Relations Committee/Board with all parties, during the course of the investigation, shall be handled in an objective and considerate manner.

HARASSMENT

Rainbow Housing Co-operative believes that Harassment:

Is an unsolicited, unwelcome, disrespectful or offensive behavior directed at another person. These actions may be identified as repeated intentional or unintentional, offensive comments and/or actions that demean, belittle or intimidate an individual and/or to cause personal humiliation. This is intended to include personal harassment and/or bullying. This will not be allowed.

Definition of Harassment.

Is made on the basis of race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry, or place of origin.

At Rainbow Housing Co-operative we **strive to have an environment free of this type of behavior**. If any member feels that they are being **Harassed** in any form they must submit in writing to Member Relations/board in accordance with the **Grievance Policy**, the incident, offender, offende, and any witnesses. Member Relations/board will, to the best of their ability rectify the problem. Everyone involved will be interviewed. Once Member Relations/board has validated, and rectified the problem, the alleged offending member will be under a twelve-month probation period in accordance with the **Probation Policy**. This type of behavior will not be tolerated at any time. If the alleged offender persists with the harassment, then the authorities will be called to deal with the offender with the possibility of **charges being filed against them**. If the alleged offender persists to harass any member the authorities **MAY** be called to deal with the alleged offender and the offender's membership will be under review with the possibility of termination of membership.

CONFIDENTIALITY

1. **Members of Committees, the Board of Directors and Staff, as well as all members of the Co-op, shall maintain in strict confidence, all materials of private and/or personal nature pertaining to names, unit numbers and circumstances of members; including but not limited to the following:**
 - a) **Breaches of the Occupancy Agreement, Bylaws, policies, procedures, rules, regulations or agreements of any kind.**
 - b) **Unit Inspection reports.**
 - c) **Housing Charge payments, or the status thereof.**
 - d) **Salary figures plus other financial data.**

2. **Anyone aware of a violation of (1) above shall report the violation to the Board.**

3. Any report of a violation of confidentiality considered by the Board of Directors must be investigated sufficiently to determine whether or not the report is valid. The investigation will include the following:
 - a) An interview with the person reporting the violation
 - b) An interview with the person allegedly in violation of the Confidentiality Policy
 - c) Interviews with any other persons, obviously implicated or who have relevant knowledge of the situation
 - d) Assessment of any pertinent information, confidential or otherwise, including but not limited to, the following: member files, credit check information, income data, appeal materials, and correspondence.
4. Interviews will be conducted by two members of the Board. Members of the Board will decline from sitting on an interview team where a bias may affect their objectivity and fair judgement of the matter (e.g., where a close friend or family member is the person accused of the violation).
5. If from its investigation the Interview Team determines that, a member has breached confidentiality. The Team will recommend, in writing, to the Board of Directors, that the member who committed the offence is removed from, and become ineligible to hold, any position which requires any degree of confidentiality for a period of two (2) years.
6. If any accused person feels that they have been unjustly treated or charged, they may appeal to the Board of the Directors in accordance with the General Appeals Policy.
7. Contact by the Board with all parties, during the course of the investigation, shall be handled in an objective, and considerate manner. All matters related to the investigation shall be kept confidential.
8. If violation of the Confidentiality Policy is by a member of the Board; then the matter will be dealt with by the Executive Committee of the Board in accordance with the procedure outlined above. Until the matter of the violation has been resolved, the alleged offending Board member must take a leave of absence from the Board of Directors. **If the Board member has been found violating any Rainbow Housing Policy or By-law, it is highly recommended that the offending Board member resign and not run for the Board for a period of two years. If needed a Special Members Meeting will be held to remove the offending in accordance with the Co-operatives Act.**

CONFLICT OF INTEREST

This policy is designed to protect members and/or employee-members from, any accusation of a conflict-of-interest situation. Perceived or otherwise, where the member may be viewed as using the Cooperative, the Board of Directors, or any Committee position to acquire monetary, or other type compensation, for personal, family or household gain.

1. Members of Rainbow Housing Cooperative will absent themselves from that portion of any and all meetings, excluding General Membership meetings, in which discussion, a decision, or a motion by the Board of Directors may be involved where a potential conflict of interest may occur.

The potential for a conflict of interest shall include, but is not limited to, the following situations:

- 1.1 Where a member, a relative¹, or a member of the same household is seeking improvements to their unit, beyond those improvements which are deemed to be daily requirements of, maintenance or repair for example: the member will not participate in discussion regarding carpet replacement in their own or a relative's unit
 - 1.2 Where a member, a relative, or a member of the same household is involved in a grievance
 - 1.3 Where a member, a relative, or a member of the same household may be in arrears to the Cooperative
 - 1.4 where a member, a relative, or a member of the same household is seeking employment whether the employment be of a permanent, or temporary nature; whether the employment be of a full-time or part-time nature; whether the employment be on a hiring or a contractual basis
 - 1.5 should a member, a relative, or a member of the household become an employee of the Cooperative, or an employee become a member, that member will not participate in the Personnel Committee during the period of employment
 - 1.6 the employee, relative of the employee, or member of the employee's household will not become a member of the Board of Directors during the period of employment
 - 1.7 employee-members may become members of committees (excluding Personnel and the B.O.D.); however, the employee-member, relative, or member of the household will absent them from any discussion regarding employee salaries/benefits
 - 1.8 employees, who are required to attend B.O.D. meetings, will absent themselves from those meetings during the Personnel Committee report
2. Members will place the interests of the Cooperative ahead of personal interests and declare immediately any conflict of interest which, may arise.

Should members find themselves involved in a potential conflict of interest situation; the onus will be on the members to declare the conflict and absent themselves for the remainder of the time that the potential conflict of interest is discussed. The members may be recalled when the discussion involving the conflict has been concluded.

3. Should the Board of Directors or Committees feel it necessary or helpful that members with a potential conflict of interest be involved in a discussion, the members will refrain from voting on that potential conflict of interest. Any member who is requested to participate in a conflict-of-interest situation will disclose in writing to the Board of Directors, or request to have entered in the minutes of the B.O.D. meeting, the nature and extent of their interests.

¹Relative for the purpose of the "Conflict of Interest Policy" will be defined as any relations by blood, marriage, or adoption.

4. Should a member find the conduct of another member to be of a questionable nature in a potential conflict of interest situation, the accusing member will contact the Board of Directors, in writing, with a full description of the conflict which the accuser has deemed to exist.

All members are expected to adhere to a Code of Ethics such that no information concerning the potential conflict of interest shall be publicly disclosed, nor any accusation(s) made public, within or outside of the Cooperative, including the Board of Directors.