

CHAPTER 6: MEMBER RIGHTS, RESPONSIBILITIES, UNCOOPERATIVE BEHAVIOR, REFERRAL AND EXPULSION (05/2010-2011)

- 6.1 INTRODUCTION:** This chapter describes the rights and responsibilities of membership and cooperative life in the ICC. Cooperative and uncooperative behavior are defined herein. This chapter offers basic guidelines for informal or “alternative” house-level interventions into uncooperative behavior, as well as more formal “adjudicative” hearing, referral and expulsion processes. Further resources regarding the conflict resolution process are provided in Chapter 7 of these standing rules and the Supplemental Conflict Resolution Guide, which can be found in the ICC office or by contacting members of Dispute Assistance and Resolution Team (DART: SR 7.3).
- 6.2 ICC SOCIAL CONTRACT:** When members choose to sign a contract with the ICC, they accept the rights and responsibilities of membership in the ICC’s housing and social community. As part of the ICC community, members are responsible for upholding shared values. Because the ICC establishes standards for membership, these standards of conduct, while falling within the limits of the law, may exceed federal, state, local, or academic requirements. The ICC considers these rules and procedures for resolving disputes a part of its educational mission and is committed to processes which provide both peer review and mediation.
- 6.3 LEGAL RIGHTS AND PROTECTIONS:** ICC members have the same rights and protections under the Constitutions of the United States and the State of Michigan as other citizens. The dispute resolution processes described in this section are internal organizational processes of the ICC and are not subject to the same rules as civil or criminal proceedings. Because certain forms of uncooperative behavior stated in this chapter may also be violations of law, members may therefore be accountable to both the legal system and the ICC.
- 6.4 MEMBER RIGHTS & RESPONSIBILITIES:** ICC members in good standing have the following rights and responsibilities:

RIGHTS	RESPONSIBILITIES
A. To live and/or board in their assigned house and room during the period of their contracts.	a. To refrain from behavior which in any way prevents or discourages another member from living and/or boarding in their assigned house or room during the period of their contract.
B. To live and/or board in a democratically managed house under the auspices of a democratically run organization.	b. To regularly attend house meetings and participate actively, or through their elected representatives, in the governing of their

	house and the ICC. To keep abreast of all house and ICC communications such as emails, newsletters, calendars, and website updates.
C. To live and/or board in a house, and room, which are clean and sanitary.	c. To share in whatever work is required to keep the house and boarding coop clean, sanitary, in good repair, safe and secure, and operating properly.
D. To live and/or board in an assigned house and room which are safe and secure.	d. To abide by all house and ICC security measures. Lock doors, windows, and rooms appropriately. Monitor all guests. Manage keys and lock combinations responsibly. Respect the property and privacy rights of others. Refrain from all illegal activities.
E. To live and/or board in a house and room free from abuse, harassment and prejudicial behavior of any kind.	e. To refrain from any actions that would discriminate against, harass or abuse another member; or cause physical, emotional, or psychological harm.
F. To privacy in their assigned room.	f. To respect the privacy rights and personal space of others.
G. To access all house and ICC rules, policies, and financial records.	g. To pay all house and ICC charges in a timely manner. Familiarity with the ICC standing rules, bylaws, policies, contracts, and house constitutions.
H. To a balanced and fair system of dispute resolution and due process.	h. To work proactively to resolve disputes in a forthright, peaceful and civil manner – beginning at the house level whenever possible and appropriate
I. To trained and competent house officers; including protection from capricious or irresponsible decision making.	i. To communicate and cooperate with house officers in the execution of their duties. To hold officers accountable and provide constructive feedback at appropriate times and places. To be familiar with the ICC standing rules, and house constitutions and membership contract. Attend and actively participate in relevant meetings.

6.5 COOPERATIVE BEHAVIOR DEFINED: Cooperative behavior is that behavior which supports the successful functioning of cooperative operations and governance and

contributes to the general wellbeing of co-op members and the ICC organization. Accordingly, cooperative behavior embodies and reflects the following ICC Core Beliefs and Values as laid forth in the Preamble to these standing rules:

- A. Equality
- B. Member Control
- C. Individual responsibility
- D. Sustainability
- E. Cooperation
- F. Self-reliance
- G. Diversity
- H. Community
- I. Participation
- J. Stewardship

6.6 UNCOOPERATIVE BEHAVIOR DEFINED: Uncooperative behavior is behavior which impedes or obstructs the successful functioning of cooperative operations, and/or threatens the general wellbeing of co-op members. Members may be sanctioned for uncooperative behavior in accordance with these standing rules. Uncooperative behavior includes any behaviors which conflict with any of the following:

- A. ICC Standing Rules
- B. Membership Contract
- C. Committee policies
- D. House policies or constitutions
- E. ICC Core Beliefs and Values
- F. Principles of Cooperation as outlined in the preamble to the standing rules.
- G. City, state or federal laws

6.7 REFERRAL

6.7.1 The ICC considers these procedures for resolving disputes a part of its educational mission and is committed to processes which provide both peer review and mediation. This chapter describes various pathways to conflict resolution available in the ICC. Members are expected to settle disputes and address uncooperative behavior at the house level whenever possible, using procedures outlined in their house constitutions and ICC standing rules. Typically one or more informal or alternative resolution options are attempted at the house level before more formal adjudicative options are enacted. Further resources regarding the conflict resolution process are provided in Chapter 7 of these standing rules and the Supplemental Conflict Resolution Guide, which can be found in the ICC office or by contacting members of Dispute Assistance and Resolution Team. (See SR7.3)

6.7.2 REFERRAL DEFINED: Referral is a temporary probationary process that seeks to notify a member that his or her behavior is out of conformance with ICC or house rules

and inform them of the steps they must take to return to good standing. The goals of referral are:

- A. To provide an incentive for members to improve uncooperative conduct.
- B. To compensate any loss or damages caused by uncooperative behavior.
- C. To notify future houses and ICC administration that this member might be a problem.
- D. To document and interrupt patterns of chronic uncooperative behavior.
- E. To return a member to good standing and restore all the rights and responsibilities of ICC membership.

6.7.3 GROUNDS FOR REFERRAL: Specific grounds for referral shall be:

- A. Failure to do work
- B. Failure to pay charges
- C. Abuse of community or ICC property
- D. Infringement on the privacy and/or property of others
- E. Actions which threaten the health, safety or welfare of co-op members.
- F. Prejudicial behavior
- G. Sexual Harassment
- H. Generally uncooperative behavior

6.7.4 CONSEQUENCES OF REFERRAL:

- A. A member placed on referral has one week to file an appeal. After one week, any future contracts signed previous to the referral are void. If the member files an appeal, their space will be held during the appeal process.
- B. House approval is required for any member currently on referral to place a standard hold on a space or sign a future contract. The body or house which placed the member on referral must be consulted and have an opportunity to send a representative to the meeting where the member is being voted into the house.
- C. A referral process may result in a variety of agreements, remedies or sanctions that must be satisfied to return the member to good standing as listed in SR 7.1.9.

6.7.5 HOUSE REFERRAL: Members may be “referred” to their house officers or to DART for corrective action because of uncooperative behavior. Houses typically hold referral hearings at house meetings. It is important for houses to interrupt uncooperative behavior early, and to consider referral when alternative dispute resolution options have been attempted and failed, or been deemed inappropriate. Houses are expected to respect due process rights of all parties involved in any resolution process and to administer agreements, remedies and sanctions in a fair and consistent manner. (See SR 7.1)

- 6.7.6 REFERRAL METHODS:** A house may place on referral, any of its members with a current ICC contract; or, any its former members, within 90 days of the end of their last contract. Members may be placed on referral by the following methods:
- A. FOR NON-PAYMENT:** By the House Treasurer and one other House Officer.
 - B. FOR NON-WORK:** By the Work Manager and one other House Officer.
 - C. FOR UNCOOPERATIVE BEHAVIOR:** By a vote of the house at a house meeting. In this case, the accused member must be notified in writing, including email, at least 4 days in advance stating the specific reasons for the referral and a reasonable attempt must be made to allow the member to attend and speak in their defense. When a vote of the house is to be taken in cases concerning harassment, prejudicial behavior, criminal behavior or other legally sensitive issues, a representative of the ICC to be appointed by the General Manager shall be present.
 - D. REFERRAL BY PETITION:** For any of the above offences by a petition. The petition must:
 1. Be presented to the member under concern prior to its posting or circulation.
 2. A copy of the petition must be conspicuously posted in the house.
 3. Be signed by a simple majority, or 20 house members, whichever is lower.
 4. List the specific grounds for referral
 5. List the specific requirements for removal from referral and all relevant standing rules, including any relevant time- or deadlines.
 - E. REFERRAL BY MEMBER PANEL:** The Dispute Assistance and Resolution Team may agree to convene a Member Resolution Panel to hear a referral in lieu of a house hearing per Standing Rule 7.4.3.
- 6.7.7 NOTICE OF REFERRAL FORM:** A Notice of Referral Form must be given to any member placed on referral. The Notice must explain the specific grounds (actions, incidents, ...) for referral, all agreements, remedies and sanctions required for removal from referral and the earliest date at which removal from referral will be considered. A copy of the Notice of Referral Form must be given to the Director of Member Services to be placed in the member's file.
- 6.7.8 REFERRAL APPEALS:** An appeal is a process for requesting a formal change to an official decision. An appeals process is an essential safeguard for an imperfect human process that attempts very hard to be fair. The appeal process is available to each party in a dispute. No decision to place a member on referral shall be overturned or otherwise set aside unless:

- A. It can be proven that there was a prejudicial error or omission in the procedures.
- B. It can be proven that the evidence clearly does not support the findings.
- C. Sanctions are insufficient or excessive relative to the violation.
- D. There is new evidence not reasonably available at the time of the hearing.

6.7.8.1 Any member placed on referral may file an appeal within 7 days of receiving a decision.

6.7.8.2 Referrals by a house may be appealed to a DART.

6.7.8.3 Referrals by Member Panel may be appealed to CoCo.

6.7.8.4 Members having prior direct experience with the case or proceedings under appeal may not participate in the appeal process, except as witnesses to the original hearing, or to testify in defense of the original decision.

6.7.8.5 All appeals decisions are final.

6.7.9 REMOVAL FROM REFERRAL: A member may be eligible for removal from referral at any time by vote of the body that placed the member on referral. Removal from referral may take place in the following ways:

- A. A vote at a house meeting, according to house voting rules.
- B. By the approval of two house officers- in the case of non-payment or non-work.
- C. By a vote of a member panel, for member panel referral.

6.7.9.1 REFERRAL REMOVAL FORM: Any house or Member Panel removing a member from referral must have its presiding officer fill out a Referral Removal Form. A copy of the form must be given to the Director of Member Services to be placed in the member's file.

6.7.9.2 Spring-Summer house decisions (votes) to remove a member from referral who was placed on referral during fall or winter must be approved by Member Resolution Panel (SR: 7.3.4).

6.7.9.3 Fall-winter house decisions (votes) to remove a member from referral who was placed on referral during spring-summer term must be approved by Member Resolution Panel (SR: 7.3.4).

6.8 EXPULSION

6.8.1 EXPULSION INTRODUCTION: Expulsion is the severest penalty that can be imposed on a member of the ICC. Expulsion is the termination of a person's membership in the ICC with all of the rights and responsibilities contained therein. Any member with a current contract or within 90 days of the end of their last contract may be considered for expulsion. The ICC General Manager must be consulted whenever expulsion is being considered.

6.8.2 GROUNDS FOR EXPULSION:

- A. Failure to do work
- B. Failure to pay charges
- C. Abuse of community or ICC property
- D. Infringement on the privacy and/or property of others
- E. Actions which threaten the health, safety or welfare of co-op members.
- F. Prejudicial behavior
- G. Sexual Harassment
- H. Generally uncooperative behavior

6.8.3 CONSEQUENCES OF EXPULSION: An individual who has been expelled by the ICC or an ICC house:

- A. Has his/her membership in the ICC terminated.
- B. May not be reinstated as a member of the ICC.
- C. Will be evicted if still residing on ICC property.
- D. Surrenders all rights and responsibilities of membership in the ICC including, but not limited to:
 - a. Living in an ICC house
 - b. Boarding in at an ICC house
 - c. Using any house or facilities
- E. Will be considered a trespasser if present on ICC property after the membership termination date.

6.8.4 HOUSE EXPULSION PROCESS:

- A. Any house seeking to expel must consult with the General Manager and DART for assistance prior to a hearing.
- B. An Expulsion Hearing Notice Form must be served on the member under concern at least 4 days prior to a hearing date. Copies of this form must be given to the ICC General Manager and DART.
- C. A member may be expelled by a vote at a house meeting or hearing, according to house voting rules.
- D. Hearings will be considered fair and sufficient provided they do not violate the provisions of (SR: 7.2.2).
- E. The General Manager, or their appointee, shall be present at any house expulsion hearing to witness and advise the proceedings as needed.
- F. The DART may agree to convene a member resolution panel to hear an expulsion in accordance with SR 7.3.4.
- G. No person's membership shall be terminated except after an open hearing, per ICC bylaw 1.3.

6.8.5 HOUSE EXPULSION APPEALS: An appeal is a process for requesting a formal change to an official decision. An appeals process is an essential safeguard for an imperfect human process that attempts very hard to be fair. The appeal

process is available to each party in a dispute (the house or the accused members.)
No decision to expel shall be overturned or otherwise set aside unless:

- A.** It can be proven that there was a prejudicial error or omission in the procedures that seriously impacted the outcome of the case.
- B.** It can be proven that the evidence clearly does not support the findings.
- C.** Sanctions are insufficient or excessive relative to the violation.
- D.** There is new evidence not reasonably available at the time of the hearing.

6.8.5.1 House expulsion decisions may be appealed to the Coordinating Committee, in writing, within 7 days of notification.

6.8.5.2 Members having prior direct experience with the case or proceedings under appeal may not participate in the appeal process, except as witnesses to the original hearing, or to testify in defense of the original decision.

6.8.5.3 All appeals decisions are final.

6.8.5.4 The Coordinating Committee has 7 days to rule on an appeal. If more than three members of the committee are unable to hear an appeal, either for personal reasons or because of a conflict of interest in the case, the ICC President shall select alternate officers. Only other officers of the ICC shall be considered alternates in the appeal process.

6.8.5.5 The expelled member may not have access to any ICC buildings, houses, property services or facilities except during the period of appeal, and with the expressed permission of the house.

6.8.5.6 If the expulsion is overturned, the Coordinating Committee may reduce the sanction to referral, or return the member to good standing.