

Waterloo Co-operative Residence Incorporated

Judicial Policy

As approved by the General Manager,
and incorporating all changes through:

01 August 2009

*(Note that, in this policy, the masculine shall include the
feminine and the singular shall include the plural)*

Revision History

Date	Revisionist	Summary of Changes
30 July 2008	John Stilla	Policy Change. References to COWs have been removed. All policies and procedures dealing with fees and fines before they reach the judicial stage are now included in the Fee and Fine Policy.
04 March 2009	Cary Hubbard	Policy preparation for posting and adoption
01 August 2009	Cary Hubbard	Update to include references to Fee and Fine Policy, further define the role of staff in the judicial process, and improve procedures related to judicial hearings.

External Cross-references

Section(s)	Policy/Section Referenced	Referencing Policy	Section(s)
Definitions	Fee and Fine Policy		
3.1	Conflict of Interest Policy		
3.1	pi Policy		

PRE-POSTING PHASE

This policy will be posted for thirty days before it comes into effect in order to elicit feedback from members and in order to provide ample notice about the changes to WCRI's judicial system. It will officially come into effect on September 14, 2009.

DEFINITIONS

- “pi bucks” refer to the virtual dollars associated with WCRI's Participation Incentive (pi) program.
- “fine” means an amount charged to a member for a non-administrative purpose, as defined in the *Fee and Fine Policy*.
- “fine appeal” is a formal request by a member for a judicial review of a fine that has been issued to them; procedures regarding fine appeals can be found in the *Fee and Fine Policy*.
- “Judicial Hearing Schedule” is the schedule of judicial hearings, established at the beginning of each term by the Judicial Coordinator. Each case that arises during that term will be assigned to be heard on one of the dates on the schedule.
- “Judicial Hearing Session” is a single session of hearings on the Judicial Hearing Schedule. Several cases may be assigned to be heard in a single session.
- “Judicial Team” means the team of people who conduct judicial processes. The Judicial Team is composed of one Judicial Coordinator, seven Judicial Representatives, and one Judicial Staff Liaison.
- “JC” means Judicial Coordinator.
- “JSL” means Judicial Staff Liaison and is selected by the General Manager or delegate.

POLICY

1. WCRI has a judicial system that exists to provide an open forum for the resolution of disputes between members and between member management and members. While staff play a role in supporting the judicial procedures of the Co-op, they do not make decisions about disputes between members or between member management and members.

2. (1) A Judicial Team of WCRI members must be formed each term in order for the judicial system to operate successfully. All members of the Judicial Team must, above all, strive to be unbiased and fair in their duties. They must seek to deliver justice to members while respecting the laws, policies, rules and procedures of WCRI, which are (in descending order of superiority):

- a) All relevant Canadian, Ontario, and Waterloo Region laws or bylaws (including the *Co-operative Corporations Act*)
- b) Bylaws of WCRI
- c) Policies of the Board of Directors
- d) Policies of the General Manager
- e) Relevant division constitutions
- f) Relevant division policies
- g) Operating policies of relevant division management

(2) The Judicial Team shall be composed of:

- a) One Judicial Co-ordinator (JC)
- b) One Judicial Representative from each division of WCRI, for a total of seven representatives.

PROCEDURE

Judicial Team Structure

Judicial Coordinator (JC)

3. (1) The JC is appointed by the General Manager or delegate each term. He shall not be a member of the Board of Directors and is forbidden to hold any other Inter-Divisional or Divisional position which has fining or voting authority (see also the *Conflict of Interest Policy*). This position shall be filled by one and only one person who shall, provided he completes his duties fully and responsibly, receive pi bucks equal to the amount set by the General Manager in the *pi Policy*.

(2) The JC and Judicial Staff Liaison (JSL) will work together to ensure that the Judicial Representatives are elected by the divisions. Each division must elect one Judicial Representative at the first Division General Meeting of the term.

(3) The JC shall be responsible for training the Judicial Representatives with assistance from the Judicial Staff Liaison. This training must take place within one week of the Judicial Representatives' selection.

(4) The JC shall, within ten days of the election of the Judicial Representatives, establish the Judicial Hearing Schedule for the term. This schedule shall set out the dates and times upon which the term's Judicial Hearing Sessions will be conducted. There must be a minimum of three Judicial Hearing Sessions per term. The JC, coordinating with the JSL, is responsible for posting the Judicial Hearing Schedule on the WCRI website, in the WCRI Office, and in all divisions.

(5) For each Judicial Hearing Session, the JC must act as the chair. As such, he is responsible for ensuring that the proceedings of each hearing are fair and orderly, and that each person entitled to speak at a hearing receives this opportunity.

(6) The JC is responsible for removing from any hearing a Judicial Representative who displays or discloses a conflict of interest or bias that is likely to affect his judgment on a particular case.

(7) The JC is responsible for assisting the JSL in maintaining records of all cases and storing them in the Judicial Minutes and Reports Book, which will be kept in the WCRI Office.

(8) The JC is responsible for writing a detailed report for the General Manager or delegate at the end of each term. The report must thoroughly examine any judicial problems encountered during the term, suggest remedies to these problems, and include the hearing decision reports (Appendix A) of all cases heard (including closed hearings) during the term.

(9) The JC is empowered to give a warning to Judicial Representatives for failing to properly perform their duties. If a particular Judicial Representative continually fails to perform his duties, the JC should consult the JSL. If the situation still cannot be rectified, the JC may remove a Judicial Representative from his position.

(10) Should the JC be in a position of potential bias for a specific case, the JC must ask the General Manager or delegate to appoint another member to act in the position of JC for that specific case.

(11) The JC may resign from his position by giving two weeks' notice to the General Manager or delegate.

(12) The JC may be dismissed from his position by the General Manager or delegate for unsatisfactory performance. One week's notice must be given.

Judicial Staff Liaison (JSL)

4. (1) The JSL is in place to compensate for the fact that the Judicial Coordinator and Representatives turn over with each new term and plays no role in the actual decisions made by the Judicial Team. One of the

main functions of the JSL is to act as a resource for the JC and Judicial Representatives with respect to regulations and policies to which members must adhere.

(2) The JSL shall be responsible for maintaining a judicial log which will contain all of the following, (organized according to the case they pertain to):

- a) Fine notices (if fine is pending an appeal);
- b) Member requests for fine appeals;
- c) Reports of the decision of cases;
- d) Appeal decisions; and
- e) If possible, any documents which serve as evidence in a case (e.g., email submissions, exam schedules, doctor's note, etc.)

(3) The JSL shall serve as an advisor to the Judicial Team, and as a resource to provide information to the JC and Judicial Representatives on WCRI precedents, as well as all laws, policies and procedures that WCRI is bound to adhere to.

(4) The JSL shall be responsible for ensuring that the JC and Judicial Representatives do not fall behind on the task of handling all member fine appeals. If there is a backlog, the JSL shall work with the JC to eliminate it.

(5) The JSL, with the assistance and feedback of the JC, shall monitor the performance of the rest of the Judicial Team.

Judicial Representatives

5. (1) Judicial Representatives shall be elected at the first Division General Meeting of each term. One member from each of the seven divisions shall be elected for a total of seven Judicial Representatives.

(2) Judicial Representatives must attend and participate in all training sessions and judicial hearings as scheduled by the JC.

(3) Judicial Representatives will be compensated for their time with pi bucks equal to the amount set by the General Manager from time to time.

6. (1) A Judicial Representative may be dismissed from his position by the JC if the JC and JSL agree that the position has not been satisfactorily carried out by that representative.

(2) A Judicial Representative may resign from his position by giving the JC and JSL two weeks' notice of his intention to do so.

(3) The Division Manger and Division Council Chair of the division in which a dismissed or resigned Judicial Representative resides must be notified, by the JC, of the dismissal or resignation. The Division Council Chair is then responsible for calling a division general meeting within two weeks of the dismissal or resignation so that a new Judicial Representative can be elected.

Structure of Judicial Hearings

7. (1) The JC shall, as he receives fine appeals, assign an appropriate number of cases to each regularly scheduled Judicial Hearing Session, with the goal of hearing cases in the same term in which they are requested.

(2) Each Judicial Hearing Session shall hear and decide as many cases as can be dealt with in the time period specified for that session. If, after the session, cases remain that still need to be heard, the Judicial Hearing Session may be adjourned to a later date, as long as that date falls before the next regularly scheduled Judicial Hearing Session and all those in attendance are informed of the new date.

(3) Each Judicial Hearing Session shall be heard by all the Judicial Representatives and the Judicial Coordinator, who will act as the chair of the session.

(4) The JSL may attend Judicial Hearing Sessions and act in an advisory role (i.e., he will have no vote).

Procedures for before and during a Judicial Hearing

8. (1) As soon as the JC decides to hear a fine appeal and the case is assigned to a date on the Judicial Hearing Schedule, the JC will contact the member to notify him of the hearing date. This notice must be given at least one week in advance of the meeting date.

(2) It is the responsibility of the appealing member to make his representation to the Judicial Team regarding his case at the Judicial Hearing meeting.

(3) A member may make his representation in one of several ways:

- a) Appearing in person at the hearing to verbally make his case;
- b) Participating in the hearing over the phone;
- c) Sending a representative to the hearing to verbally make his case; or
- d) Sending a written submission to the JC at least two days before the hearing is scheduled to take place.

(4) It is the responsibility of the member to produce any relevant proof supporting his case. Specifically, the appealing member must present clear and compelling evidence (e.g., signed statements from eyewitnesses to the incident in question) that demonstrates support for the appealing member's side of the argument. Failure to do so will result in the appeal being dismissed without review.

9. It is the responsibility of the JC to ensure that the fine issuer and any other witnesses are aware of the hearing date and given the opportunity to appear at the hearing.

10. Immediately after hearing all the relevant evidence regarding a case, the JC and Judicial Representatives will convene in a closed session to discuss the case and make a decision.

Procedures after a Judicial Hearing

11. (1) The JC or delegate from the Judicial Team must record the report of the case (Appendix A) and submit it to the member at the centre of the case, the JSL, and any other member involved in the case who requests a copy of the report within five days of the hearing.

(2) The report must be added to the Judicial Log.

(3) The JSL shall be responsible for ensuring that the results of the fine review cases are communicated to WCRI staff responsible for maintaining accounting records, so that a member's record will accurately reflect the adjustment, removal, or upholding of fines.

APPENDIX A



Judicial Hearing Report

Hearing Date: _____

Plaintiff Name: _____

Judicial Coordinator: _____

Division: _____

(judicial@wcri.coop)

Phone: _____

Email: _____

Other: _____

Committee Members

Chair Name: _____

Signature: _____

Rep Name: _____

Signature: _____

Rep Name: _____

Signature: _____

Rep Name: _____

Signature: _____

Rep Name: _____

Signature: _____

Rep Name: _____

Signature: _____

Rep Name: _____

Signature: _____

Rep Name: _____

Signature: _____

Fine Information

Issued by: _____

Position: _____

Phone: _____

Email: _____

Amount: _____

Date Issued: _____

Date Appealed: _____

Nature of fine: _____

For full details, please refer to the corresponding fine notice and appeal form.

Plaintiff Case Information

Present at hearing? Yes / No

Reason for appeal: _____

Additional information provided (Please attach with report):

- Written/E-mail statement
- Schedule/Work log/Timetable
- Other: _____

Defendant Case Information

Present at hearing? Yes / No Relationship to plaintiff: _____

Reason for appeal: _____

Additional information provided (Please attach with report):

- Written/E-mail statement
- Schedule/Work log/Timetable
- Other: _____

Verdict

- Fine overturned – member not required to pay fine
- Fine upheld – member still required to pay fine
- Other: _____

Basis of decision: _____

Other notes: _____

Appealing/Additional Information

Either party may appeal this decision by following the processes outlined in the Fee and Fine Policy, which can be found on the WCRI website (www.wcri.coop).