

# Carver House Constitution, Policies, and Procedures

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# Carver House Constitution

(Amended and Approved by Board of Directors July 1987)

## Introduction

The Co-op decided very early in its development that there were a lot of advantages to small residences. Consequently, the Co-op resisted the temptation to build a large residence as was done by the University of Waterloo and every other college or student owned co-op that was built in the late sixties; Elrond, Pestalozzi (bankrupt), Neill-Wycik (nearly bankrupt) and Rochdale (bankrupt). It must be acknowledged, though, that the four other residences mentioned are all in large cities where land is at a premium. Thus, their only economic alternative was to build high rises. Instead of one large building, W.C.R.I. built seven semi-dependant divisions consisting of three residences and four apartments.

The Board of Directors has delegated responsibility for the day-to-day operation of the divisions to the people living in the division. The division structure has both elected and appointed components and the relationship between the components is defined by the Division Constitution. The authority of the division is within the limits defined by the Board and the Board may unilaterally change these limits. The Board has overriding authority because the division has no legal status and therefore, no legal responsibilities. For example, if an accident occurred because someone tripped over garbage in the stairwell, it would be the Co-op that could get sued and not the division "responsible". In general, the state of a division affects the Co-op as a whole. If one division is allowed to become shabby by its members, the whole Co-op suffers from the resulting inferior image and ensuing loss of occupancy.

Thus, our organization has the apparently undemocratic provision for the Board of Directors to overrule the decision of a Division General Meeting. For information on the authority of a General Meeting of the Co-op, see the By-laws of W.C.R.I. and/or the Co-operative Corporations Act of Ontario.

## Part I: Constitution

1. The By-laws of Co-op are superior to all other legislation. Except as otherwise noted, the Constitution is superior to Legislation of Division Council (DC) and Division Council Meetings.
2. No amendment to the Division Constitution is effective until it is:
  - (a) passed by DC, **and**
  - (b) submitted to the board Secretary for verification that the proposed amendment is not contrary to the By-laws and policies of Co-op, **and**
  - (c) confirmed, with or without variation, by a two-thirds majority at a Division General Meeting.
3. If the Board of Directors or a General Meeting of the Co-op passes a motion contradicting the Division Constitution in any way, it is the responsibility of the DC to forthwith act in accordance with the By-laws and Policies. If the DC objects to the

existing legislation, it may initiate an appeal to the Board of Directors. Otherwise, the DC will ensure that the Division Constitution is amended at the next Division General Meeting so that it no longer contradicts the By-laws of Co-op or the Policies of the Board of Directors.

4. It shall be the responsibility of the Division Chairperson to file, with the Secretary of the Corporation, a copy of the Constitution and every amendment thereto certified by the Division Chairperson within one (1) week of the ratification thereof.
5. The term shall commence on:
  - (a) January 1<sup>st</sup> for the Winter term
  - (b) May 1<sup>st</sup> for the Spring term
  - (c) September 1<sup>st</sup> for the Fall term
 and shall last for four (4) months.
6. Whenever the masculine is used on its own it is to imply the feminine as well.

## **Part II: Membership**

1. Any member of the Co-op officially registered by the Admissions Committee as a resident of the division is a member of the division, hereinafter referred to as a "member".
2. Every member has a right to:
  - (a) be kept informed of the Co-op matters through block meetings and posted Minutes of all governing bodies of Co-op, and
  - (b) be treated fairly by all managers and fellow members.
3. Every member is required to:
  - (a) perform properly assigned work duty correctly and reliably,
  - (b) treat all other members of the Co-op with consideration and respect, and
  - (c) abide by:
    - i. the By-laws of the Co-op,
    - ii. the Policies of the Board of Directors,
    - iii. the Constitution of the Division, and
    - iv. the decisions of the democratically elected governing bodies and appointed officials of the Co-op, and the division.
4. The Judicial Committee may recommend to the Board of Directors that a member be expelled from membership in Co-op for cause

## **Part III: Division General Meetings**

1. A Division General Meeting should take place no later than the third Wednesday of each term for the purpose of:
  - (a) electing a division chairperson
  - (b) conducting other business in accordance with this constitution, and
  - (c) introducing the Chairpersons of the various Division Management Committees to the division members

2. This meeting shall be called and chaired by the Division Manager (DM) until the DC Chairperson is elected. Once elected, the DC chairs the meeting and all subsequent Division General Meetings of the term.
3. Other Division General Meetings may be called at any time by the DC or by petition of twenty (20) members of the division or twenty (20) percent of the Division Membership, whichever ever is greater. The petition is required to state the purpose of the meeting.
4. All members shall be given sufficient notice of every Division General Meeting. All members shall be deemed to have been given sufficient notice of any Division General Meeting, if notice, posted prominently in the division, is given as follows. At least ten (10) days prior to the meeting there shall be a notice requesting items of business for the Agenda. At least five (5) days prior to the meeting, there shall be formal notice of the meeting giving date, time, place, Agenda and the text of any proposed amendments to the Constitution.
5. New business must be submitted in writing to the Division Chairperson at least five (5) days prior to the date of the meeting and important business not mentioned in the notice convening such a meeting can not be transacted.
6. Except as otherwise provided, resolution passed at a Division General Meeting by a majority vote overrides all other Division legislation.
7. Division General Meetings shall be run according to the Robert's Rules, as adopted by the Board of Directors.
8. Quorum at all Division General Meeting shall be twenty-five (25) members of the division.
9. If quorum is not present at a Division General Meeting within thirty (30) minutes of the time for which the meeting is called:
  - (a) and if the meeting is convened by petition of the members, it shall be cancelled.
  - (b) In any other case, the Chairperson shall set a new date for the meeting not less than seven (7) and no more than fifteen (15) days later than the date in the notice of the meeting. Quorum shall be ten (10) members and notice shall be given to all member as provided in III:4.
10. Every member of the division shall be entitled to one (1) vote only with the exception of the Chairperson who may vote only in the case of a tie. Voting by proxy shall not be permitted.
11. Unless otherwise provided, all questions arising at any Division General Meeting shall be decided by a majority of votes counted by a show of hands. If the majority of the members present at a meeting agree, votes on any motion shall be by secret ballot.
12. The members may, by vote of the majority of the members present at any Division General Meeting, overrule the decision of the chairperson presiding at the meeting.

## **Part IV: Division Council**

1. The administration of the daily operation of the division shall be under the direction and control of a DC consisting of five (5) people: a Division Chairperson and exactly one (1) representative from each block. A block consists of eight (8) apartments serviced by one entranceway. There are four (4) blocks per division. It shall be the responsibility of the DM to ensure that one (1) representative is elected from each block.
2. A Block Representative is elected by the members officially resident in that building and also must be an official resident of that building. The DM or Assistant DM may not be a Block Representative.
3. The office of the Block Representative shall be vacated if:
  - (a) he ceases to reside in the building,
  - (b) by notice in writing to the DC that he resigns the office,
  - (c) by resolution passed by at least two thirds (2/3) of the votes cast at a block meeting, he is removed from office for cause,
  - (d) by resolution passed by at least two thirds (2/3) of the votes cast at Division Meeting, he is removed from office for cause,
  - (e) the Judicial Committee upholds a resolution on council for his removal from office for cause, which must be passed by a two thirds (2/3)-majority vote of council,
  - (f) the term ends, or
  - (g) the person becomes Division Chairperson.
4. The Division Chairperson may be removed from office by resolution passed by at least two thirds (2/3) of the votes cast at a Division General Meeting called for that purpose.
5. Upon recommendation by any member, the Judicial Committee may fine any DC member and/or Division Chairperson for failing to perform his Constitutional duties adequately.
6. The DC shall select a Judicial Committee of three (3) members and one (1) alternate at the first DC Meeting of the term as per the Judicial Policy.
7. The DM may fine the Division Chairperson, Secretary/Treasurer, or any council members for failing to perform his duties correctly.
8. Regular DC Meetings shall be held as the DC may from time to time determine. Three (3) days notice must be given in requesting additions to the Agenda. Agendas must be posted at least twenty-four (24) hours prior to the meeting stating time, place, and order of business.
9. The Block Representatives must attend DC Meetings, unless granted a leave of absence by Council. This leave may be granted retroactively. Absence without leave from any meeting is a fineable offence. If a Block Representative is absent or without leave from 2 or more meetings, he may be expelled from Council by a two thirds (2/3) majority vote of Council, provided that he was not given leave of absence at the last meeting missed.

10. Any member of Council may convene a special DC meeting at any time. Notice of the meeting shall be given to each member of Council by the member convening the meeting not less than one (1) day before the meeting is to take place. Council meetings may be held at any time without formal notice if all Council members are present, or if those members have signified their consent in writing in advance.
11. Two thirds (2/3) of the members of Council (as defined in section IV:1) shall constitute a quorum at any meeting.
12. Questions arising at any Council meeting shall be decided as provided in the Robert's Rules of Order, as adopted by the Board of Directors.
13. Every member of Council shall be entitled to one (1) vote, with the exception of the Chairperson, who may only vote in the case of a tie. Voting by proxy is not permitted.

### **Part V: Division Officers**

1. In the first week of the third month of the term, the Division Chairperson shall post a request for applications for DM's for the next two (2) terms. At the Council meeting closest to the third week of the third month, Council will recommend one applicant to the Board of the following term.
2. The Inter-Divisional Council (IDC) must ratify the appointment of the DM.
3. The DM is responsible for the day-to-day operation of the division according to the DM Manual and policies established by the DC, provided such policies do not contradict the Division Constitution, policies of the Board of Directors or the By-laws of the Co-op.
4. The DM shall assign a work duty (Co-operative Work (COW)) to each member of the division. The DM may exempt a member from a Co-operative Work (COW) if that person is involved in some other work for the Co-op. Council must approve all exemptions each term.
5. A DM may fine any member assigned a Co-operative Work (COW) by him for failing to perform it correctly. He may also fine any member for failing to abide by the Policies and By-laws of the Co-op. This fining procedure must follow the Policies and By-laws of the Co-op.
6. DC shall have the authority to fine the DM. DC may make formal presentation to remove the DM to the General Manager (GM) or the IDC with cause. The DC shall also recommend a replacement at the time of a removal recommendation.
7. DC shall ratify a Division Secretary/Treasurer appointed by the DM, responsible for preparing and distributing Minutes of DC and Division General Meetings and for collecting and keeping records of Co-operative Work (COW) and other division fines.
8. The DC Chairperson shall be held responsible for the recording of policies passed by DC. These policy records must be passed on to the next DC Chairperson. These policies shall be kept separately from other DC records.
9. The Division Chairperson is responsible for preparing and distributing Agendas of DC Meetings.

10. The Division Chairperson shall post notice of the time for the meeting at which the Judicial Committee shall be selected no later than three (3) days prior to the meeting.
11. The Division Chairperson is a member of the IDC with full voting privileges and shall fulfil all duties associated with the IDC.

### **Part VI: Block Meetings – Duties of Block Representative's**

1. The DM shall, during the first week of the term, call and chair a meeting in each block of the division for the purpose of electing one (1) Block Representative.
2. A block meeting may be convened by the Block Representative or three (3) residents of distinct apartments in the block. The Block Representative shall convene a block meeting at least four (4) times per term (no more than twice a month).
3. It is required to give three (3) days notice of block meetings consisting of at least a posted sign or delivered notification.
4. Every member of the block shall be entitled to one (1) vote only with the exception of the chair who may vote only in the case of a tie. Except as otherwise provided, all questions arising at a meeting shall be decided by a majority of votes counted by a show of hands.
5. One-third (1/3) of the block residents shall constitute a quorum for the transactions of business at a block meeting. If quorum is not reached, the meeting shall be rescheduled with new quorum requirements being twenty percent (20%) of building members.
6. The Block Representatives are responsible for chairing block meetings.

### **Part VII: Judicial**

1. Council shall appoint a Judicial Committee. It shall follow the Judicial Policy of the Board of Directors.
2. A member may appeal a fine to the Judicial Committee. This must be done within two (2) weeks of the date of the fine.
3. Any member who feels the Constitution is not being followed should bring this to the attention of the appropriate official or body. If this fails to correct the situation, he may bring the matter to the Judicial Committee.
4. If a member has complained to the Judicial Committee as per VII:3, the Judicial Committee may fine any member it deems is responsible for the situation.

# **Carver House Policies**

## **Division Managers' Policy**

(See WCRI Policy)

## **Division Manager Selection Policy**

(Effective September 1988)

### **Part I: Introduction**

DC is responsible for recommending a DM for future terms according to the following schedule:

<b>Term</b>	<b>Division Manager chosen in:</b>
Fall	Winter
Winter	Fall
Spring	Fall

In the first week of the third month of the Fall and Winter terms, the Division Chairperson shall post a request for applications for DM for the relevant terms. In addition, in the first week of the third month of the Spring term, the Division Chairperson shall post a request for applications for DM for the Winter term. These applications will not be viewed by the Spring DC, but will be forwarded to the Fall Division Chairperson.

At the Council meeting closest to the third week of the third month of the Fall and Winter terms, DC will recommend one applicant to the Board of Directors for each of the positions that the DC that term is responsible for filling.

### **Part II: Suggested Questions**

The following are suggested questions for the potential DM candidates:

1. Why do you want to be a Division Manager?
2. What skills and/or abilities do you have that would make you a good Division Manager?
3. What experience (life, school, work) do you have that would help you as Division Manager?
4. How much work do you think is involved?  
N.B. There is no "correct" answer to this question, but will give you a good indication of how much work the candidate is willing to do.

5. Do you have any other commitments or responsibilities or are you involved in anything else that may take you away from your ability to be a Division Manager?
6. What previous co-op experience do you have? (especially management)
7. Do you know of any problems with the Division or Division policies you would like to fix?
8. Do you have any new ideas that you would like to see implemented?

## **VCR Policy**

(Adopted November 24, 1987)

### **Part I: Control of VCR**

The control of the VCR is left to the discretion of the DM (e.g. The DM controls where the VCR is stationed and the sign-out procedure or can appoint someone to do so). If the person appointed is someone other than the DM, ADM, or Security Manager, they must be approved at the first DC meeting of the term.

### **Part II: Loss or Damage**

If damaged, the VCR will stay in the damaged state until the incident in question is brought to the attention of the DC Chairperson. The Chairperson may then have the damage assessed by a qualified service person who will determine the cost of the repair and type of damage.

There are three (3) types of damage:

1. **Accidental Damage:** Members are not fined for accidental damage.
2. **Careless Damage:** Members are required to pay at least half and may be required to pay all the cost of any damage that results from carelessness.
3. **Malicious Damage:** Members are required to pay the full cost of repairing any malicious damage. In addition, they may be fined and/or membership reviewed. The DM may report substantial malicious damage to the police. Unreported damage is considered malicious damage.

DC will ultimately decide what type of damage occurred and the fine to be imposed. Appeals of fines for damages will follow the procedures outlined in the Judicial Policy of W.C.R.I.

### **Part III: Sign-out Procedure**

- Under no circumstances must the VCR leave Carver.
- Any Carver member has the privilege of signing out the VCR on first come first served basis.
- One booking is allowed per week per member, at most one week prior to the requested date. However, the Social Committee may book further in advance.

The minimum fine for a late return is \$5.00. An additional fine will be added for every 24 hours after the sign-in time that the VCR is late. This additional fine will be at the discretion of the DC.

## **Division Treasurer Job Description**

(Introduced and Approved by I.D.C. in July 2001)

### **Part I: List of Responsibilities**

The Division Treasurer is responsible for:

1. Collecting the money resulting from all monetary fines.
2. Submitting all collected fines to the WCRI main office.
3. Maintaining accurate records of each Member's fining history (over the Term).
4. Submitting all records and receipts to the Division Manager at end of term.

### **Part II: Fine Collection Procedure**

The Division Treasurer will be passed a fine stub for each warning, work fine and monetary fine issued within the Division. A record of the fining history of each Member who has been fined in a term must be maintained by the Division Treasurer. The status of each monetary fine (Paid or Unpaid) must be recorded.

A Member who has been given a monetary fine must pay the sum levied to the Division Treasurer within the time allotted by the finer. It is recommended that the Division Treasurer make an effort to contact a fined Member a day or two before the fine is due. All fines collected must be submitted to the WCRI main office, in exchange for a receipt.

### **Part III: Dealing with Refusals to Pay**

If a Member fails to pay a monetary fine within the allotted time and cannot be contacted by the Division Treasurer, or refuses to pay a monetary fine outright, the Division Treasurer should fine the member a second time. The amount of this second fine should be equivalent to the amount the member would be fined for a repeat of the original offence. The DM should be notified of the overdue fine. After a second refusal to pay the fine, the Division Council must be notified.

If a Member appeals a fine, it must still be collected within the allotted time. Should the appeal be successful, the Judicial body will see to it that the fine is reimbursed.

### **Part IV: End of Term**

At the end of term, the Division Treasurer must submit all records and fine receipts to the Division Manager. The exact amounts of any unpaid fines must be reported to the WCRI Main Office so that the money can be levied from offending members' performance deposits.

## **Division Secretary Job Description**

(Introduced and Approved by I.D.C. in July 2001)

### **Part I: List of Responsibilities**

The Division Secretary is responsible for:

1. Taking minutes at all Division Council (DC) Meetings, except where the DC closes a meeting to outside observers.
2. Providing a typed copy of the minutes of each meeting to the DC at the next scheduled DC Meeting.
3. Taking minutes at all Division General Meetings, except possibly the first of the term. In the event that another Member is assigned to take notes at the first Division General Meeting, the Secretary is still responsible for preparing a typed copy of the minutes and submitting them to the WCRI Main Office.
4. Submitting the minutes of each meeting to the WCRI Main Office before the end of term
5. Taking minutes at any other meetings occurring in the Division, should the Division Manager or DC Chairperson request them (for example: taking minutes at a Management Meeting).

### **Part II: Requirements for Minutes**

The typed minutes for each DC or Division General Meeting must include:

1. The name of the body meeting (for example: South Division Council Meeting),
2. The date and time of the meeting.
3. The location of the meeting.
4. The name of the chairperson presiding.,
5. The name of the note-taker or recording secretary.
6. The names and positions of all attendees, where the attendance list is not prohibitively long (for example: at a Division General Meeting, "South Management Team and 80-90 South Members" would be sufficient).
7. Each Agenda Item, in a separate section, with its own heading.,
8. All relevant points reported or discussed, in point form.
9. All motions made, including the name of the Member who instigated the motion and the name of the Member who seconded the motion.
10. All votes taken, including the number of members voting for, voting against and abstaining. Note that this does not include informal "straw votes" (for example: a vote to determine the most convenient time to schedule the next DC meeting). An example of the standard format for recording votes is 4-2-0, to indicate 4 votes in favor, 2 votes against and no abstentions. Voters may, if they wish, ask to have their name noted next to their abstention or disapproval.
11. The time at which the meeting was called to order and the time at which it was adjourned.

**Interim Division Chairperson Policy**  
 (Introduced and Approved by B-Division D.C. in July 2002)  
 (Note that, in this policy, the masculine shall include the  
 feminine and the singular shall include the plural)

**Part I: Selection**

1. Before the distribution of the Division Manager (DM) Final Evaluations, the DC shall appoint a willing member to the position of Interim Division Chairperson for the following term.
2. The Interim Division Chairperson shall be a member of the division for the current term who will also be living in the division for the next term.
3. The Interim Division Chairperson shall be selected from the following list (in order of precedence):
  - a) the current Division Chairperson;
  - b) any current member of DC;
  - c) a member at large.

**Note:** The DC may not appoint either the current or the following term's DM to the position of Interim Division Chairperson.

**Part II: Credit**

1. The Interim Division Chairperson shall be granted full credit for the term immediately subsequent to their selection.

**Part III: Duties**

1. Prior to the first division General Meeting of the term, the Interim Division Chairperson shall review the division Constitution and division policies with the DM, emphasizing any recent changes or neglected procedures.
2. At least three (3) days prior to the selection of the first member of Division Council, the Interim Division Chairperson shall post prominently about the division a description and advertisement for all elected positions, including Division Council Representative, Division Chairperson, Judicial, Secretary/Treasure, and all other elected positions at the discretion of the DM's COW system.
3. The Interim Division Chairperson shall be responsible for calling and chairing the first Division General Meeting of the term in accordance with the Constitution. The Interim Division Chairperson is responsible for preparing the agenda of said division General Meeting.

In the event that the Interim Division Chairperson is running for the position of Division Chairperson, the DM shall facilitate the first division General Meeting until the election of Division Chairperson is complete. Regardless of the outcome of the election, the Interim Division Chairperson shall chair the remainder of the meeting.