

RESIDENTS' CONCILIATION AND DISCIPLINARY PROCEDURES

1.0 RIGHTS AND EXPECTATIONS OF RESIDENTS

1.1 In order to create and maintain a happy community all our residents are expected to:

- treat fellow residents as individuals irrespective of their colour or ethnicity, sex, sexual orientation, religion or beliefs, disability or age
- respect others in a friendly way
- co-operate in living together in a communal situation
- abide by majority decisions of the flat in which he or she lives, after tolerant discussion between all residents, when all views have been heard

1.2 Every resident has the right

- to expect reasonable behaviour from fellow residents
- to live in a flat where the shared facilities are always in a reasonable condition for use, and
- to sleep or to study without undue disturbance.

2.0 CONCILIATION AND DISCIPLINARY INTENTIONS OF MARY MORRIS INTERNATIONAL RESIDENCE LTD

2.1 As a Landlord, the Mary Morris International Residence wishes to:

- treat each resident as a responsible self-disciplined adult
- protect all individuals from improper or inconsiderate behaviour of others
- involve residents in any conciliation or disciplinary procedure

- actively encourage a peaceful solution to disputes, but, where this is not possible, to have an open and independent disciplinary procedure.

3.0 THE CONCILIATION PROCEDURE

3.1 The Conciliation Procedure takes place in private. It occurs when a difficulty arises between individuals or between individuals and a group. This is intended to resolve matters but, if it fails, could lead on to the Disciplinary Procedure.

4.0 THE DISCIPLINARY PROCEDURE

4.1 The Disciplinary Procedure takes place in public (*See Section B3.1 of the Disciplinary Procedure.*) Normally it occurs after the failure of the Conciliation Procedure. However, certain types of behaviour could result in immediate disciplinary action.

5.0 CONCILIATION AND DISCIPLINARY COMMITTEE

6.0 THE CONCILIATION PROCEDURE

6.1 Normally, matters such as non-cooperation between individuals or groups concerning personal behaviour, hygiene standards and the use of shared facilities or excessive noise levels will be dealt with initially by a Conciliation Procedure.

6.2 WHAT TO DO IF ANYTHING GOES WRONG BETWEEN RESIDENTS.

6.2.1 If residents feel they have a dispute or a complaint against another resident or residents *{and this is not related to a criminal allegation}*:

- Talk to the person or people involved privately and in a friendly way. Make your complaint known clearly. Tell them what you want done. If you cannot do this alone, ask a Flat Representative, but preferably your own Flat Representative, to go with you. If a Flat Representative is involved in the complaint on either side, then the Chairperson of the Student House Committee should be used. Speak privately together. *Try to reach a solution at a meeting of all concerned.*
- If your initial approach is unsuccessful, *go back again*, Do not delay. Take the Flat Representative with you to see the alleged offender(s) on this second occasion. Ask for a written agreement, signed by you

and the other person(s) in dispute. Date it, have it witnessed by the Representative, photocopy it, give a copy to all who signed it and keep your copy. If the person complained of has been or is being unco-operative or in dispute with others in a communal flat, the Flat Representative may *instead*, with notice of at least three days, call a meeting of all the Flat members. Those present will sign a dated written agreement to be kept by the Representative, after giving one copy to the person(s) complained of and to all of the other signatories.

- If this Agreement is broken then go with the Representative to the Manager or the Student Chairperson. They will consult. If they both accept you have carried out the above procedures, they will call a formal conciliation between all persons concerned. An attempt will be made to reach a dated agreement in writing, which the Director will circulate to all concerned after the meeting. This agreement may contain a final warning.
- If this formal conciliation agreement is broken, the Director, may report this situation, in consultation with the Student Chairperson, to the Chairperson of the Conciliation and Disciplinary Committee (*the Constitution and Terms of Reference of which are available separately*).
- The Chairperson of the C.D.C may decide at this point to invoke a disciplinary hearing.
- Non-cooperation with the Conciliation Procedure at any stage or non-attendance at meetings called for conciliation will be reported in writing to the Director. The Director will discuss the matter with the Student Chairperson and they may decide whether or not to approach the Chairperson of the C.D.C. with a request to invoke a Disciplinary Hearing.

6.3 Examples Of Different Circumstances

- 6.3.1 Different circumstances will lead to different individuals and groups meeting together.
- 6.3.2 After each stage, except for the first stage, a written Agreement, signed by all concerned should be obtained. A formal warning may also be issued following the formal conciliation meeting. Some examples of different stages and groups are given below:

- **Complaint By One Individual Against Another Individual:**
- Meeting of two individuals together or with Flat Representative(s) if desired.
- Meeting of two individuals again, but certainly with Flat Representative(s)
- Formal conciliation meeting with Director and Student Chairperson.
- **Flat Representative's Complaint On Behalf Of Several Flat Members Against An Individual Flat Member:**
- Representative meets Flat Member
- Representative meets Flat Member again, together with complainants,
- or Flat meeting with all Flat Members, where appropriate
- Formal conciliation meeting with all Flat Members, Director and Student Chairperson.
- **Complaint Against A Flat Representative**
- Meeting between at least three complainants and Flat Representative
- Flat meeting arranged by Student Chairperson for all Flat Members
- Formal conciliation meeting with all Flat Members, Director and Student Chairperson.
- Election of new Representative, if necessary.
- **Complaint Against A Whole Flat**
- Meeting between the Representatives of each Flat
- Second meeting between the Representatives of each Flat
- Formal conciliation meeting with all Members of both Flats,

Director and Student Chairperson.

- When Embarrassing Difficulties Arise Within Communal Living
- The Association expects most difficulties to be resolved by the Conciliation Procedure.
- However, where the matter concerned may be particularly sensitive, awkward or embarrassing, residents should not hesitate to consult the Director or the Director's Personal Assistant directly. The Director then has discretion in these extreme cases to take action which he considers appropriate. This may include termination of the individual's accommodation contract and the issuing of a Notice to Quit.
- In the event of the individual indicating a refusal to move out, the C.D.C. will be requested by the Director to meet in private to hear an APPEAL. If the appellant shows good reason to the C.D.C. as to why a tenancy agreement should not be terminated, the Notice to Quit will be withdrawn.

7.0 THE DISCIPLINARY PROCEDURE

7.1 The disciplinary procedure may be invoked by the Chairperson of the Conciliation and Disciplinary Committee (C.D.C.). When he has been informed by the Director of one of the following circumstances:

- Where the Conciliation Procedure has failed or is not appropriate.
- Where a serious incident or gross misbehaviour has occurred.
- Where a serious breach of the Code of Conduct of the Accommodation Agreement has occurred.
- NOTES:
 - Where extreme circumstances occur such as violence, vandalism, theft or other criminal breaches of the U.K. law, the Association's Disciplinary Procedure is not appropriate. Discretionary action may be taken by the Director
 - The Director is authorised to terminate the tenancy agreement of any resident charged by the police for an offence committed on the Association's property, because of the difficulties arising in communal

conditions, and give Immediate notice to leave. In the event of the person being found not guilty by a court, re-instatement will occur.

7.2 Invocation Of A Disciplinary Hearing

- The disciplinary hearing is invoked by the Chairperson of the C.D.C. and that hearing will proceed without delay.
- The Director will collate statements, copy them to the alleged offender (hereafter known as the offender) and issue a public notice of a disciplinary hearing which will then be heard by the C.D.C. (The membership and Terms of Reference are published separately and are available.) A hearing date will be arranged to take place after seven working days following publication of the notice, which will be issued separately to the offender.

7.3 The Disciplinary Hearing

The hearing will take the following form:

- Elected representatives of residents, or a proxy appointed by them, may observe a disciplinary hearing but not participate unless required as a witness.
- Witnesses may be called to attend the HEARING by the offender or by the Association, through its Director.
- Witnesses and the offender may be asked to provide a written statement by the Director prior to the hearing. These statements will be supplied in advance of the hearing to the offender and all C.D.C. members.
- The offender will appear before the hearing of the C.D.C. If the offender fails to appear, without good reason, the hearing will proceed to make a judgement.
- The offender may be accompanied by a friend who may speak on his/her behalf.
- Evidence may be considered in any form, but it will include a written statement by the Director.
- The C.D.C. will consider all of the evidence. All questions concerning the evidence will be put to and from the Chairman for answering by witnesses or the offender.

- The offender will be given the opportunity to make a statement to the hearing before the C.D.C. retires to consider its decision.
- The findings of the C.D.C. will be read to the hearing from a written statement signed by the Chairman of the C.D.C. This could state that the Director will, as agent of the landlord, act towards the offender as instructed, or in accordance with terms of the tenancy agreement terminate the tenancy.
- The findings of the hearing will be published on the notice board.

7.4 The Appeal Procedure

- The offender may, within two days lodge an appeal in writing against either the procedure or the decision of the hearing. Where immediate termination of the tenancy has been decided, the offender may remain in the residence until such time as the appeal is held.
- The membership of the Appeals Committee is in the Terms of Reference of the C.D.C.
- In the case of the appeal being upheld, sanctions taken against the offender can either be reduced or overturned.
- The result of the appeal will be published on the notice board.

TERMS OF REFERENCE OF THE CONCILIATION AND DISCIPLINARY COMMITTEE

QUORUM

Full attendance is normally required. In the event of any member of the Committee not being able to attend, the Chair of this Committee is empowered to co-opt another member of the Board of Management or the Chairperson of the Students' House Committee is empowered to co-opt another student member if the designated student is unable to be present.

OUTLINE TERMS OF REFERENCE

To make recommendations to, and act on behalf of, the Board of Management on all issues affecting conciliation between, or disciplining of the Association's tenants.

SPECIFIC TERMS OF REFERENCE

To act on instruction from the Board of Management and to make recommendations to it on all matters relating to:

- the implementation of the residents' Conciliation and Disciplinary Procedures, which are reviewed between the Board of Management and the Students' House Committee from time to time
- the review of such procedures as necessary
- ensuring that the authority delegated at each stage to the Flat Representative, the Director and the Student Chairperson is upheld
- the conduct of Disciplinary Hearings

MEMBERSHIP

- (1) The Chair of the C.D.C. and two Members of the Board of Management - all to be elected *annually* by the Board of Management at the meeting following the AGM.
- (2) Student Representatives as follows:
 - (a) Either the Chair or Vice-Chair, depending on which has the least personal interest in the dispute, taking into consideration the same criteria for choosing the two student representatives.
 - (b) Two student representatives from the Student House Committee considering the following criteria:

- i) One of each sex
 - ii) Neither should be from the same country as those involved in the dispute
 - iii) Neither should be from a country that has historic conflict with the countries of those involved in the dispute.
 - iv) That they be from different ethnic backgrounds.
 - v) That they be from different parts of the world.
- (c) Only if the criteria above cannot be met should students not on the Student House Committee be considered for the Committee. If this is the case the SHC should nominate the person, and seek the consent of the Chairperson of the Board. If the Chairperson of the Board is not satisfied with the nomination, the SHC will be asked to submit a further nomination. This process should continue until a suitable representative is found.

APPEALS

To be heard by the Chairperson of the Association and the Secretary of the Students' House Committee.

