OARC Bylaw Template

# Instructions

Bylaws are designed to provide guidance and direction. Having bylaws in place will help eliminate confusion and encourage consistency when these are challenged due to changes in leadership (resident leaders and home management), interpersonal relationships and differing opinions. OARC has developed a template to assist your Residents’ Council in developing its own bylaws and is designed to capture important aspects of Residents’ Council in one document. The template is not prescriptive and allows your Residents’ Council to customize all the details.

# To ensure ease of use, consider the following steps:

1. OARC recommends that a small working group of Residents’ Council leaders work together (with the support of the Residents’ Council Assistant, as desired) to draft the bylaws;
2. As a group, start from the beginning of the document and review it step-by-step. The document includes prompted areas to insert specific information such as home name, dates, locations, etc. Depending on your Residents’ Council needs, you may wish to plan for additional meetings to complete the template.
3. Once the you have completed the template and have draft bylaws, plan to bring these to a regular Residents’ Council meeting for review and approval;
4. When approved by the Residents’ Council the bylaws will be ready to use;
5. OARC recommends that Residents’ Council Bylaws are reviewed periodically and updated where appropriate. All updates and changes to the bylaws must be approved by the Residents’ Council.

Ontario Association of Residents’ Councils

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# Definitions

The following definitions may be helpful when forming and interpreting your bylaws. You may wish to add or remove from the list below.

* “Bylaw” a rule adopted by an organization chiefly for the government of its members and the regulation of its affairs[[1]](#footnote-1)
* “Conflict of Interest” a conflict between the private interests and the official responsibilities of a person in a position of trust[[2]](#footnote-2)
* “Guest” refers to someone who is invited and approved, by members, to attend a Residents’ Council meeting
* “Member” means a member of the Residents’ Council
* "Robert's Rules of Order" a handbook for running meetings effectively and efficiently, based on the procedures used in the British parliament. The principles included in the handbook are applicable to any decision-making organization, from Congress to community club committees.[[3]](#footnote-3)
* “Terms of Reference” a description of what must be dealt with and considered when something is being done, studied, etc. The terms of reference for the committee are narrow and specific.[[4]](#footnote-4) OARC recommends only using a Terms of Reference when forming a subgroup or committee of the Residents’ Council.

Bylaws for [Insert home name]

# Section 1- Members

Members of the Residents’ Council shall consist of only residents of **[*home name*]**. Family members, staff/team members, or other individuals may attend meetings by invitation from the Residents’ Council. Members serve with no remuneration.

# Section 2- Members Roles and Responsibilities

Members- **every** resident in the home

Members roles within **[insert home name]** may include but are not limited to contributing to the collective voice, advising and enhancing quality living, raising concerns and celebrations, and connecting with all fellow members.

# Section 3- Leadership Member; Roles and Responsibilities

Leadership Members – residents serving in leadership role within the Council

Consider the format of your residents’ council. Is it comprised of a leadership team or of a traditional style where member hold titles roles i.e. President, Vice President, etc. This section is designed to capture the role and responsibilities of these members.

OARC recommends that Councils consider adopting a more inclusive model of leadership, such as the Shared Leadership Team model.

 Refer to OARC’s Fact sheet to learn more: <http://www.ontarc.com/documents/factsheets/122018OARCFactSheetSharedLeadership.pdf>

Your leadership team may also be comprised of Resident Representatives from each floor/area to ensure that the lived experiences of residents living throughout your home are encompassed in your meetings.

Consider including duties assigned to the Residents’ Council Assistant and when the Assistant is approved by council i.e., annually.

Subcommittees may be set-up as needed by the Leadership Members.

# Section 4 – Code of Conduct

A Code of Conduct can be an important step in establishing an inclusive and respectful culture. Consider outlining important practices in relation to behaviour.

Example:

a.) Members of [Insert home name] must behave in a respectful manner, speaking one person at a time limiting the number of distractions.

b.) Bullying, abuse of power and/or abuse of any person psychologically, verbally, in writing or otherwise is unacceptable.

# Section 5 - Meetings

This section captures the specifics of your Residents’ Council Meeting, Date, Time, Location and any meeting-specific information including minutes, voting process, quorum. See examples below.

EX:5.01 Residents’ Council Meetings

1. The meetings will be held on **[insert date]** of every month, unless deemed necessary to cancel a meeting with advance notice by Council.
2. The meetings will be held in/on **[insert location, Rm number, floor, frequency]**, unless otherwise notified.
3. Minutes will be approved by **[insert name]** within **[insert x number of days]**.

EX:5.02 Residents’ Council Meetings During Outbreaks

*Include your Council’s process for running adapted meetings during an Outbreak.*

When the long-term care (LTC) home is experiencing an Outbreak, Residents’ Council meetings will continue to operate following the guidance of the LTC home’s Infection Control lead and local Public Health Unit, in the following ways:

(a) If only one resident home area is affected and residents from other parts of the home can safely meet, then the meeting process outlined in 5.01 will be followed. Efforts will be made to include residents from affected home area using a virtual platform (ex. Zoom). If this is not possible, residents from the affected home area will be consulted in advance of the regular meeting to collect questions/concerns/celebrations to be shared on their behalf.

(b) If multiple resident home areas are affected, adapted meetings will be run [**specify your process]**. Refer to OARC’s Guidance Document for ideas: <http://www.ontarc.com/tools/20200831RCOutbreakGuidance.pdf>

Ex: 5.03 Minutes

Include details about how meeting minutes are taken, posted and distributed. Consider ways to make approved meeting minutes accessible to all residents.

Ex: 5.04 Voting

Each member has one vote. Questions arising at any meeting shall be decided by a majority of votes. In case of stalemate vote, the Chair shall have a second or casting vote. Consider how you are reaching residents who are not present at any meeting.

EX:5.05 Quorum

**[Insert number]** of the members of the corporation entitled to vote, represented in person or by proxy, shall constitute a quorum at a meeting of the members. If less than a quorum of the members entitled to vote is represented at a meeting, a majority of the members so represented may adjourn the meeting from time to time without further notice.

# Section 6- Elections and Terms of Office

6.01 Option 1: Traditional Elections

Please describe the details of your election process. Consider answering the following;

* When are elections held?
* Length of elected term?
* A nominating subcommittee, ballot, from the floor?

*Example:*

1. Elections are held at every **[ Insert Month and Day].**
2. The elected term of office shall be **[Insert length of term]** from the date of the meeting at which they are elected or appointed.
3. The election shall be by secret ballot, one vote per member.

6.02 Option 2: No Election or Election by Acclamation

Given the logistics and complexity of coordinating Residents’ Council elections, OARC suggests that there may be no need to have an election. Instead, focus your efforts on engaging residents from throughout your home as potential leaders. Any resident who wishes to support the work of Council in a leadership capacity should be considered/included.

While Robert’s Rules of Order and having a formalized process for elections has been the “gold standard” for many Residents’ Councils, this is not always achievable, realistic or necessary, especially if using the more inclusive Shared Leadership Model for your Council’s Leadership team. If your Council determines that their Leadership team will have 6-8 residents, and 6-8 residents express interest, we call this an Election by Acclamation. In other words, there is no need to run a formal election if your agreed-upon process has been satisfied.

# Section 7– Financial Management

Financial Management is a very important section as Residents’ have ability to sponsor and plan activities. Consider answering the following questions which will layout how the council has access and authority over funds;

* Where are RC funds stored? In a separate bank account? In a safe in your LTC home? A line in the homes budget?
* Who has signing authority over the bank account? What is your process for accessing funds? What process is in place to approve expenditures?
* How are financial records maintained and communicated?
* OARC recommends including a declaration that funds are to be used to benefit and in the best interest of ALL residents.

Refer to OARC’s Fact Sheet on RC Finances: <http://www.ontarc.com/documents/factsheets/122018OARCFactSheetFinances.pdf>

# Section 8- Representation

In this section capture how your home aims to capture the true collective voice of ALL residents. This may be a process, a practice, a promise, a subcommittee etc.

# Section 9 – Rules of Order and Procedure

The rule of procedure at Residents’ Council Meetings shall be governed by:

[*Ex: Roberts Rules of Order, or* “a flexible application of Roberts Rules of Order, adapted to the changing needs and abilities of the residents in attendance at meetings”].

# Section 10- Conflict of Interest

This section serves are to protect the interest of Residents’ Council. Consider adding a brief paragraph to include what you foresee as a conflict of interest. Conflict of interest is defined as a situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

# Section 11- Amendments

These Bylaws may be altered, amended or repealed and new bylaws may be adopted by the vote of a majority of members.

# Adoption of Bylaws

We consent to, and hereby do, adopt the foregoing Bylaws, consisting of the **[##]** preceding pages, as the Bylaws of [insert home name] Residents’ Council.

Adoption and approval on this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 20\_\_.

Signatures: of Resident Leaders

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
First Name Last Name First Name Last Name

First Name Last Name First Name Last Name

First Name Last Name First Name Last Name

1. "Bylaw." Merriam-Webster.com. Merriam-Webster, n.d. Web. 30 Oct. 2017. [↑](#footnote-ref-1)
2. "Conflict of Interest." *Merriam-Webster.com*. Merriam-Webster, n.d. Web. 30 Oct. 2017. [↑](#footnote-ref-2)
3. robert's rules of order. (n.d.). The American Heritage® New Dictionary of Cultural Literacy, Third Edition. Retrieved October 30, 2017 from Dictionary.com website http://www.dictionary.com/browse/robert-s-rules-of-order [↑](#footnote-ref-3)
4. "Terms of Reference." Merriam-Webster.com. Merriam-Webster, n.d. Web. 30 Oct. 2017. [↑](#footnote-ref-4)