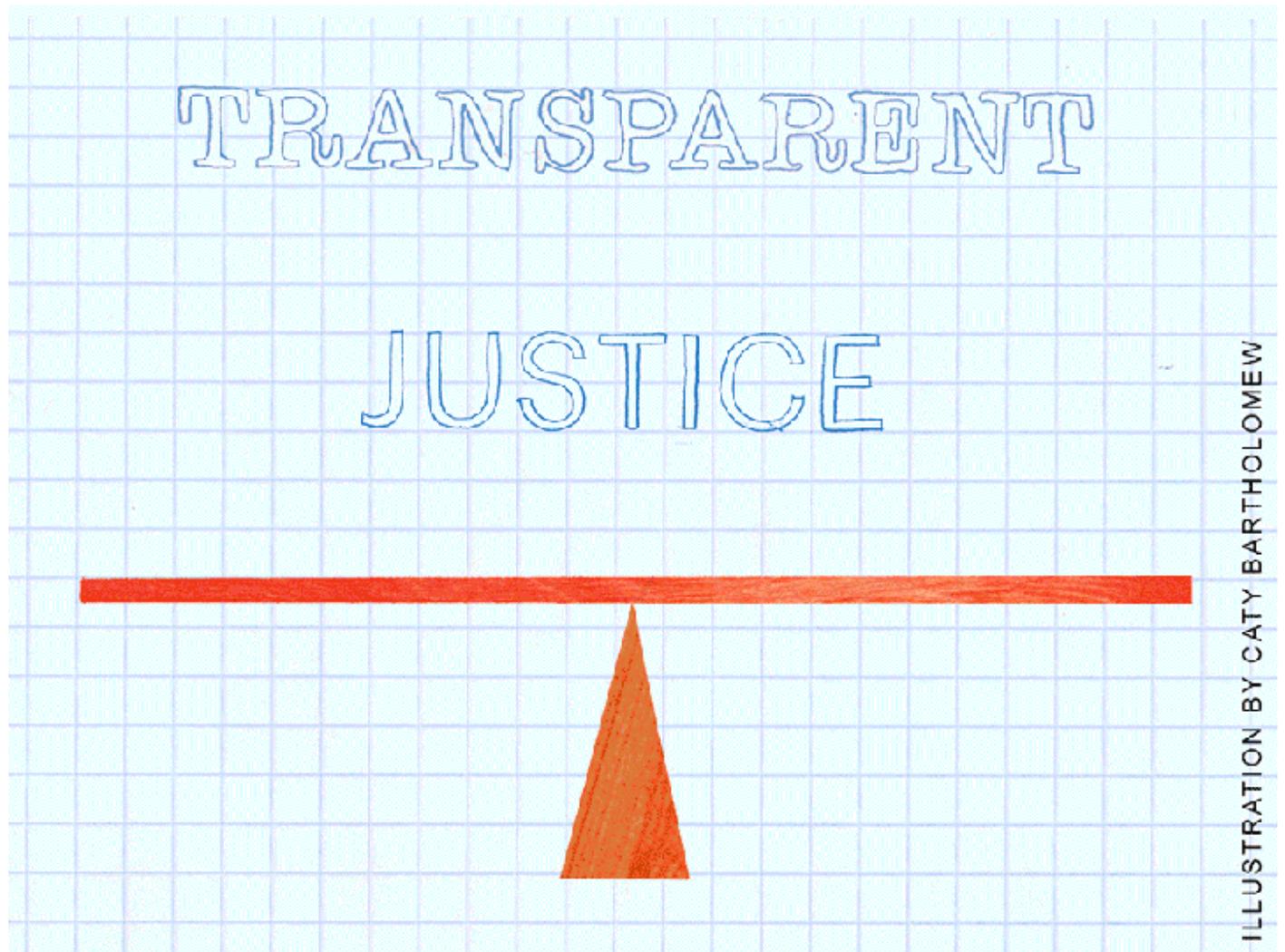


HOW THE DISPUTE RESOLUTION PROCESS AT THE COOP WORKS

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By Jess Powers

This story is the first of a two-part series on the dispute resolution process at the Coop.

The Dispute Resolution Committee (DRC) is one of three member-worker committees involved when there is a grievance at the Coop. With so much recent attention on the failures of the U.S.'s criminal legal system, I thought it would be interesting to explore what alternatives exist or could be possible within a community like the Park Slope Food Coop. I found that DRC members are continually reflecting on the process—even though many Coop members are unaware of how the Committee works—and this

piece is an attempt to bring some of that effort forward.

Simply put, the DRC's role is to review, investigate and settle complaints of member misconduct that are submitted to the Committee. When a situation warrants further action—up to and including membership termination—the Hearing Administration Committee selects 15 Coop members at random to serve as the Hearing Group to begin the process. Three members of the Hearing Officer Committee conduct the hearing procedurally. Nine members of the Hearing Group serve as the Deciding Group. A member of the DRC acts as Coop Advocate and presents the case.

These procedures do not include paid staff. Complaints about paid employees are referred to the General Coordinators (GC), while complaints about the GCs are heard by the Personnel Committee.

ORIGINS OF THE DISCIPLINARY PROCESS

General Coordinator and founding member Joe Holtz explains that, sometime in the late 1970s, one member would come in and “yell at the top of their lungs.” People were uncomfortable, and there was no process to handle complaints. The General Meeting (GM) served as a default, and the member was invited to the GM by letter to discuss whether their membership should continue. The member did not attend and was removed from membership.

Throughout the 1980s there were rare instances of theft or gaming the system. These situations would be discussed at the GM, and, as Holtz describes: “It turned into a trial. [These discussions] dominated the meeting, and other Coop business didn't happen.” Because this part of the meeting wasn't announced publicly beforehand, members attending the GM would be surprised and the meeting would be derailed.

“IT'S A COOP. WE FUNCTION BEST WHEN WE FUNCTION COOPERATIVELY.”

DEB MAGOCSI, DRC COMMITTEE MEMBER

By the early 1990s, as Coop membership approached nearly 5,000 people, someone—Holtz couldn't remember whether it was a General Coordinator or a member—proposed a disciplinary committee. The procedures that govern how the dispute process works, the elections of the committee members involved and the rules that govern the Coop and are upheld by the DRC are all approved at the General Meeting. The “disciplinary” procedures—the committee changed its name in June 2017—were adopted in 2005, with amendments made in 2012 and 2018. Committee members serve renewable, three-year terms. The DRC can have up to 16 members and no fewer than seven, according to the charter.

INVESTIGATIONS AND LETTERS

I interviewed four DRC members, roughly half of the committee, over Zoom: Helen Koh, Elena McCalla, Grace Cosachov Protos and Deb Magocsi. They come from different racial and ethnic backgrounds; some are newer and some are longer-term members of the Coop or the Committee. They share a common desire to be involved in the Coop at a deeper level and a commitment to a thoughtful, caring, and open process. Their careers range from academia to mediation and conflict resolution, from social work to media and filmmaking. This contrasts with the Hearing Officer Committee, they note, which is made up of individuals with legal backgrounds.

Grievances are generally either interpersonal (such as rude, racist, or sexist comments, or banging into someone with a shopping cart), procedural (disobeying Coop rules such as parking in front of the fire department or “time theft”), or illegal (sexual harassment or product theft). In the guidelines, theft of services includes “concealing adult household members” and “failing to perform work duties in a conscientious and deliberate manner.” “Racist, sexist, homophobic or other biased conduct” falls under “extremely uncooperative conduct.” Cases of theft of product are at times prosecuted legally as well.

“THE COMMITTEE CAN’T DEFEND ITSELF.... AND THAT CAN BE FRUSTRATING AT AN INSTITUTION THAT [PEOPLE] CARE ABOUT.”

JOE HOLTZ, GENERAL COORDINATOR

When a grievance is filed via a complaint form available in the Membership Office, one of the DRC members is assigned to investigate. They interview both parties, any witnesses, and review video, if relevant. Committee members then discuss the observations, ask questions, and come to a consensus on how to respond. The discussions can be spirited. Cosachov Protos says that Committee members help each other to broaden their perspectives during this process: “We’ll say, ‘Did you ask this?’ It helps the person investigating.”

Most often, when a complaint is considered valid, they write a letter. These letters are kept in a file in case someone repeatedly behaves in a way that is uncooperative. It’s an “important tool because of turnover,” Koh points out. For example, members aren’t expelled for cheating on their workslot once, but if there is a pattern of stealing time, it may be escalated to a hearing. General Coordinator Ann Herpel mentioned that we’ll likely see a decrease in this issue after transitioning from the paper sign-in books during the pandemic. (Sometimes a change in our logistical systems brings about an end to certain types of infractions.)

Letters serve as a “warning” or an “admonition.” Repeat offenses or more serious grievances can lead to pre-hearing disciplinary suspension of membership, mediation, work-slot adjustments, restitution, pre-hearing resignation or arbitration. Permanent expulsion of a member and their household is required when a member is found to have committed theft of merchandise or property.

Of the 20 or 30 cases a year, only about two go to a hearing. Most of these situations end positively, emphasizes Magocsi, “so often the outcomes are unexpected.” Investi-

gations may “get to the bottom of a misunderstanding between two members and they agree to apologize to each other.” She continues: “It’s a Coop. We function best when we function cooperatively.”

PERCEPTION PROBLEMS

When a dispute raises to a hearing, a *Gazette* reporter observes the hearing and files a story about the proceedings while maintaining confidentiality or protecting sensitive information. Yet, whenever there is an election to the committee at a GM, there are often gripes about the nature of the process itself. “We may not appear transparent because we can’t name names or specifics,” Koh states.

At times, Cosachov Protos says, as in a case with a walker who was harassing the people they were walking, people are frightened and don’t want to come forward. Magocsi adds that “there are not great channels to get information out to the membership,” particularly when the *Gazette* was on hiatus. Members have also been surprised or embarrassed to learn that their actions were caught on video surveillance.

“The Committee can’t defend itself,” Holtz agrees. “Unless someone wants to release the Committee from confidentiality, so the case can be presented publicly, they really can’t respond. And that can be frustrating at an institution that [people] care about,” he adds.

LOOKING TO THE FUTURE

These days, the majority of complaints brought before the DRC have to do with mask-wearing: members repeatedly disregarding the Coop’s policy, designed to protect one another and which, as of this writing, accords with New York State’s mandate. One Coop member who opposed the mask rule wore a lace mask in defiance. The General Coordinators, acting in their role as Chief Administrative Officers, then updated the rules about what constitutes a mask based on official public health guidance.

Supporting Coop members through disputes can take a toll. It can be “emotionally

draining” work, confirms Koh. There is attrition, which Committee members also see positively: New members bring fresh perspectives. When it is time for an election, they conduct an internal review of one another, a process that Magocsi describes as “self-regulat[ing]” and “constructive.” Overall, members appreciate their role in, as Cosachov Protos frames it, “helping to reinforce a healthy environment at the Coop.”

Accountability in community spaces and society at large invites broader discussions about creating a world that works better for everyone. In *We Do This 'Til We Free Us*, abolitionist and transformative justice organizer Mariame Kaba wrestles with questions about transformative justice. In an essay titled “Transforming Punishment: What Is Accountability Without Punishment?” she asks: “What could be lost by expanding the range of remedies available to us?” In some ways, the DRC is serving as a place of praxis to “try to imagine new ways of trying to address accountability.” Can we go further?

When calculating the financial cost of ongoing theft, Holtz adds: “We need to be able to say to some people, ‘This isn’t a good fit because of your behavior’ in order to survive. I believe that we must have that function.”

Even so, the DRC is revisiting some of the language in their charter. It will then go through the process of approval at the GM.

McCalla is curious to see more of a restorative or transformative justice model during the hearing process. She describes it as having a more legal tone, with language that isn’t accessible. “It could be traumatic,” she observes, “a court-like setting with a judge and jury. It could take a healing component.”

Jess Powers works in emergency management and enjoys adventures in nature and eating @foodandfury.