

Auroville Appeal Process

Proposed draft by a sub-group of the AVCouncil

*“The true spirit of Auroville is collaboration and must be more and more so.
True collaboration paves the way to divinity.”*

~The Mother

Intention of the Appeal Process

The intention of the Appeal Process is to create a framework to meaningfully address occasionally occurring serious dissatisfactions of individuals with Working Groups' decisions. It answers to a pertinent need in our community to restore a balanced collaboration between Working Groups and individuals.

We propose that the process be experimentally applied for one year in order to see if and how it works. After this trial period, it will be reviewed and fine-tuned so as to possibly integrate more Working Groups. This first year's process will be documented as a learning process, giving way for each case to serve the learning and understanding of all parties involved, thus enabling the process itself to mature.

Like all guidelines or processes in Auroville, the Appeal Process aims to be flexible enough to be modified or even disappear, as the community may gradually grow into the active and effective collective consciousness which might make it not needed anymore.

CHAPTER 1 - AIMS OF THE APPEAL PROCESS

The Auroville Appeal Process intends to:

- support fair, open and transparent decision-making processes
- encourage accountability from our Working Groups (henceforth WGs)
- enable WGs to revise or change a decision
- encourage the Auroville community to move towards shared responsibility
- provide a framework to meaningfully address serious dissatisfactions of individuals with WGs' decisions and thus harmonise and improve the relationship between WGs and the community

CHAPTER 2 - DEFINITIONS / CRITERIA / CONDITIONS

2.1 Who can appeal?

A person who is directly, personally impacted and affected by a WG's decision or non-decision, and who is either:

- An Aurovilian
- A Newcomer
- A Working Group
- An Auroville Unit, Trust, Service or any AV registered Activity, or
- A Registered Friend of Auroville

*The Auroville Council (**hereafter AVC**) may decide to combine 2 or more requests in one appeal process if they pertain to the same decision. This can be done at the request of the person appealing or without his/her request. In both cases AVC will inform all the parties of its decision.*

2.2 Whose decisions can be appealed against?

Decisions of any of the following working groups:

- The Working Committee
- The Auroville Council (in which case, the Working Committee shall oversee the process)
- The Funds and Assets Management Committee (FAMC)
- The Housing Board
- L'Avenir d'Auroville / Town Development Council (TDC)

2.3 What kind of decisions can be appealed against?

A decision can be appealed against when it directly and personally impacts and affects the person requesting the appeal (this to differentiate with collective impact that is to be reviewed through the RA process), and which shall be either:

- a) A decision made by an Auroville WG
- b) A refusal of a WG to take a decision, or
- c) A decision that was not taken by the concerned WG within a reasonable time period (evaluated by AVC on a case to case basis with the possible support of resource persons)

All decisions are appealable once they are final. This implies that when a decision is subject to a feedback period, the appeal can be requested only when the feedback period is over and the decision has been officially announced by the concerned WG.

2.4 Which decisions cannot be appealed against?

The following decisions don't fall under this policy:

- a) A decision brought to the Review Committee under the Auroville Foundation (Entry & Removal of Names of Persons in the Register of Residents) Regulations 2013.
- b) A decision concerning Auroville's collective interests (in which case the concerns are to be addressed through the Residents Assembly process).

In case of unclarity, AVC decides whether the policy is applicable or not.

2.5 Right to Third-Person Support

Please note:

- a) Appealing parties have the right to be accompanied and supported by a third-person (so as to avoid emotional paralysis or if translation is needed). In such a case, the appeal request will be registered under the name of the person appealing and the latter's presence is required during the entire process.
- b) Exceptions to the presence of the person appealing throughout the process may be granted by AVC under a justified request. The support person would, in such a case, become the representative of the person appealing.

2.6 Time Frames

Throughout the Appeal Process, AVC is entitled to extend the time frame of any step, with justified reasons, so as to allow the appeal the time needed.

With the great concern not to slow down Auroville's development, the time frames initially suggested in this process outline may appear too tight and may have to be adjusted after the trial year. The intention is to maintain the procedure within a reasonable time frame for the benefit of the parties involved while not amounting to blocking any development at hand.

Any overtime could be addressed but will not constitute a reason to cancel an ongoing appeal process.

CHAPTER 3 - STEPS REQUIRED BEFORE THE APPEAL PROCESS

3.1 STEP 1: Registration

- 3.1.1 The person appealing submits the appeal request form, in the format as given in Annex 1, to the AVC within one month from the communication of the initial decision by the Working Group(s) to the person appealing (directly by email, letter, by publishing in the News&Notes or by any other written support).
- 3.1.2 As an exception to this timeframe and for practical reasons, the appeal requests on decisions taken by the Town and Development Council (TDC) are appealable within fifteen days from the communication (via publishing) of TDC's decision to the community.
- 3.1.3 Any justified delay in these time frames will be authenticated by AVC.
- 3.1.4 The person appealing submits the Appeal Form to AVC, via email or in printed version handed over in person. If needed, AVC will assist the person appealing to fill out the Appeal Form.
- 3.1.5 When the Appeal Form and details are clear, AVC will mark the Registration Date on the Form.

3.2 STEP 2: AVC informs the concerned Working Group(s)

Within 2 days from the registration date, AVC sends to the concerned WG(s) a copy of the Appeal request form against their decision, informing that the Appeal validity is in the process of being checked.

3.3 STEP 3: Validity of the appeal request

- 3.3.1 Within 2 weeks from the registration date, AVC checks the Appeal Request and, if it is found valid, informs all parties that the appeal can go ahead.
- 3.3.2 In case the appeal request is not valid and hence not accepted, AVC informs all parties concerned that the initial decision stands and will be implemented immediately.
- 3.3.3 Criteria of validity to be met:
- a) The appeal request is registered within one month, and

- b) The person appealing is entitled to appeal as per the terms of this policy and is directly and personally impacted and affected by the decision, its implementation or the lack of decision, and
- c) The decision has not been appealed already or arbitrated as per the Conflict Resolution policy. In case there is an arbitration running related to the decision, AVC will decide the validity of the appeal request on a case to case basis.

3.3.4 Specific situations:

- a) If a situation needs a minimum period of stability so as to allow an appeal process to happen, AVC may recommend maintaining the specific status quo and/or temporary measures for the period of the process. This will be formulated in consultation with the Appeal Body or with a resource persons group (if the Appeal Body is not yet constituted).
- b) Unless AVC decides with justified reason that the case will remain confidential, it will inform the community through its monthly report that an appeal request has been registered regarding the specified decision.

3.4 STEP 4: A friendly attempt to solve the disagreement

3.4.1 Within one week from AVC's communication to all parties that the appeal has been accepted, AVC appoints a qualified facilitator to initiate friendly discussions between the WG concerned and the person appealing in order to reach either a new decision or a common understanding of the initial decision. AVC refers to Koodam or other skilful facilitators in order to give a real chance for a restorative process to solve the disagreement.

3.4.2 If a solution is accepted by all parties, the appeal stands closed. If no agreement is reached, the process proceeds and an Appeal Body is constituted.

CHAPTER 4 - THE APPEAL PROCESS

4.1 The Appeal Body - Formation

- 4.1.1 Composition of the Appeal Body.** The Appeal Body will be composed of 3 (or more) Appeal Arbiters, see Annex 2. The Appeal Arbiters will be drawn from the existing group of Aurovilians willing to take on appeal cases on request, subject to their availability.
- 4.1.2 Before nominating an Appeal arbiter,** the AVC will verify that s/he is not connected to any of the parties or the issue at hand in a way that may be considered as a conflict of interests or lack of neutrality. The Appeal arbiter should disclose to AVC any such connection if it exists (or if it were to arise during the process).
- 4.1.3 Having appointed the three Appeal arbiters** who will form the Appeal Body, AVC informs all parties concerned of the same.
- 4.1.4 In case serious concerns about the choice of Arbiters** are raised to AVC by the appealing individual or the WG within one week of being informed regarding the persons selected, AVC will consider the concerns and take the final decision. The nature of serious concerns could be a lack of neutrality or a lack of knowledge in the Appeal Body on the specificity of the issue.
- 4.1.5 Resource persons outside the pool of Arbiters** can be appointed as one of the 3 (or more) Appeal Arbiters if specific skills/knowledge is needed. AVC will decide on this in consultation with the parties concerned.
- 4.1.6 If the person appealing withdraws the Appeal request,** after the Appeal Body has been formed, s/he will not be able to appeal against this decision later on and the initial decision becomes immediately binding.

4.2 The Appeal Body - Guiding Principles

- 4.2.1 The Appeal Body is bound by all Auroville policies, guidelines and decision making processes. Its decision cannot be against them. However, they may recommend a WG to change a policy.
- 4.2.2 The Appeal Arbiters will make an effort to reach their decision by full consensus, with Auroville's charter and ideals as a common ground. If, after prolonged efforts, full consensus cannot be reached, the decision will be taken by simple majority vote.
- 4.2.3 The Appeal Body is the final authority and its decision is binding.
- 4.2.4 The decision shall be in writing and shall contain:
- a) A short report regarding the fair hearing in the Appeal process, including the various meetings with the parties or affected third parties that have been conducted by the Appeal Body, and the various documents which were part of the Appeal process.
 - b) The argued reason for the Appeal Body's decision and how it reflects Auroville's charter and ideals.
- 4.2.5 In order to convey the Appeal Body's decision, AVC invites all parties involved in the appeal process as well as those needed for the implementation of the decision, to a meeting at which AVC, the Appeal Body and the Implementation & Monitoring group members shall share the decision, remind all present that they are committed to accept and implement the Appeal decision, and schedule a series of follow-up meetings that will help monitor the implementation process.

4.3 The Appeal Body - Functioning and Responsibility

The Appeal Body:

- 4.3.1 obtains all necessary information and documents pertaining to the case from AVC (meeting minutes, reports), WGs, Units and individuals.
- 4.3.2 assesses the WG's decision and decision-making process (i.e. impartiality, alignment with Auroville's values, mandate, policies and guidelines).
- 4.3.3 assesses the validity of the appeal request according to criteria defined in Annex 3.
- 4.3.4 assures that all parties (including any third party who may be affected by the appeal process) will have a fair hearing.

A fair hearing means:

- a) All parties will be invited by the Appeal Body to share their perspective of the disagreement, their interests, motivations and ideal solution within a time frame given by the Appeal arbiters.
 - b) Due prior notice of the hearing, with date, time and place of venue will be conveyed to all concerned.
 - c) The hearing will be done in person or in writing, as the Appeal Body decides.
 - d) The Appeal Body may decide to hear the parties together or in separate meetings. If the hearing is in separate meetings, any of the parties can ask the Appeal Body to share with them the main arguments of the other party.
 - e) If any of the parties chooses not to attend the hearing nor submit his/her statements within the given time frame, the process will continue nonetheless and the hearing will be considered as fair.
- 4.3.5 acts impartially, i.e. Appeal Arbiters do not represent the interest of any party, but treat all parties as equal, and if at any moment during the appeal process an arbiter feels that s/he is not able to act impartially, s/he will step back from the appeal process and announce this to AVC in order for a substitute appeal arbiter to be found.
 - 4.3.6 takes a decision within one month after the hearing process has been completed and will announce the decision to AVC immediately after that. In special cases, the Appeal arbiters can extend the period for the decision by a maximum of one month.
 - 4.3.7 shall consult or obtain the approval of a concerned WG before deciding on specifics which require its prior consultation or approval. For example, in the case of a decision involving financial aspects, the Appeal Body will give its recommendation/decision after approval of the FAMC and BCC. In case it's a decision of the FAMC that is being appealed, the

Appeal Body will refer to the Working Committee and obtain its approval. The same counts for appeals regarding other WGs.

4.3.8 shall nominate, before announcement of the final decision, an Implementation Monitoring group, including an AVC representative, and define steps of implementation and timelines for its functioning.

4.4 The Appeal Body - Decision and Implementation

Appeal Body may decide to:

4.4.1 Validate the Working Group's initial decision

Appeal Body communicates to AVC that the WG's initial decision is valid and nominates an Implementation & Monitoring group to follow up on the process. AVC informs all parties and the WG concerned of its decision with details of the Implementation & Monitoring group, stipulating that the appealed decision (which was on hold) can now be implemented.

OR:

4.4.2 Recommend the Working Group to change its initial decision

- a) The issue goes back to the WG with the recommendations of the Appeal Body. The WG has 10 days from the receipt of these recommendations to bring a new decision forward which is mutually agreeable between the WG and Appeal Body. At this stage, the person appealing will be consulted but the decision will remain between the Appeal Body and the Working Group.
- b) In case the WG maintains its initial decision (or is not willing to review), the Appeal Body is the final authority to review the decision.
- c) Appeal Body will recommend steps for implementation (monitored by AVC) in collaboration with the Implementation & Monitoring group.

CHAPTER 5 – CLOSURE OF THE APPEAL PROCESS

- 5.1 AVC informs the community by publishing the outcome of the appeal process unless it decides that confidentiality is still required.
- 5.2 AVC follows up on the implementation of the final decision through the Implementation & Monitoring group, which:
 - a) will be responsible to facilitate the implementation process until it is completed.
 - b) will ask, if so required, the AVC to decide upon a set of actions as indicated in Annex 4.
 - c) has the right to request the Appeal Body to clarify a point of the Appeal decision and/or to take an additional decision in collaboration with AVC.

Auroville, August 2016

ANNEX 1 - Appeal Request Form

This appeal request form is meant for a request to review an official decision made by an Auroville Working Group.

Please complete the form and email it or present it along with supporting documentation to the Auroville Council.

An accurate, detailed overview of your appeal request will help arrange for a timely and thorough review.

1. Contact details of the person appealing

Name:..... Community:.....

Phone number

Email address.....

2. Details of the Auroville Working Group's decision

Working Group(s) concerned:.....

Date of receiving notification of the decision:.....

3. Please, attach the notification of the Working Group's recommendation/decision and any other relevant communication. If it is not available, give a brief summary of it.

4. How are you affected by the decision

An appeal can be requested if you have been directly, personally impacted by a decision. Indicate specifically how you have been or will be affected by the decision:

1.

2.

3.

5. Specific points

If applicable, indicate specifically which is/are the point(s) of the decision you are appealing against:

- 1.
- 2.
- 3.

6. Alleged incorrect details

Please indicate the reasons why you believe the decision was incorrect (for example: lack of fairness; all facts not considered; conflict of interests; implementation not feasible) and what you feel the expected outcome should be. If available, attach any supporting documentation.

I assure my full collaboration towards reaching a fair decision in alignment with Auroville’s vision and values, I will disclose all relevant information on request and I will respect the final decision. I am aware that if I don’t respect the final decision then I may have to face some consequences as stated in Annex 3.

Name.....

Signature

Date.....

Received by Auroville Council By:.....

DATE: Signature

Forwarded to Working Group DATE:

Time limit respected for submission: Yes / NO

Appeal request valid: Yes / NO

If No, argued reasons of non-validity of Appeal to be archived.

ANNEX 2 - Appeal Process ~ Pool of Arbiters

What is the Pool of Arbiters?

1. The pool of arbiters is an existing group of Aurovilians, working under the Conflict Resolution Policy, that is willing to take arbitration cases on request, subject to their availability. The Appeal Body arbiters will be chosen from this pool.
2. The pool of arbiters will create guide lines and a code of conduct for their work and will update them when needed.
3. The AVC is responsible to maintain the pool of arbiters and will publish the actual list every two years for feedback from the community at large. The AVC will update the pool of arbiters about the feedback received from the community.
4. A person can be added to the pool of arbiters if a minimum of 10 members of the pool of arbiters express their agreement in writing.
5. An arbiter can be removed from the pool on their own request or if a minimum of 10 members of the existing pool object to his or her continuation in writing.

ANNEX 3 - Guidelines for the Appeal Body

Validity of the Appeal Request: Checking and Evaluation

1. The Appeal has valid ground, in case:

- the following list is indicative and not exhaustive -

- a) The Working Group making the decision didn't act within their mandate.
- b) A complete decision-making process to be followed has not been adhered to (i.e.
- c) honouring guidelines, Rules & Regulations, timely publication, allowing for feedback, etc)
- d) Prior to making the decision, all information pertaining to the topic was not properly gathered and evaluated.
- e) Prior to making the decision, all people directly affected were not consulted nor given the opportunity to contribute to the decision-making process.
- f) The decision was not made with Auroville's ideals in mind.
- g) A majority of the Working Group's members (quorum) was not present and not well informed when the decision was made.
- h) One or more of the people who participated in the decision-making were in a position of conflict of interests.
- i) The decision-making process was not transparent and all documentation was not shared openly and/or considered.
- j) New facts have surfaced that were unknown at the time the decision was made.
- k) The Working Group responsible for making the decision or acting on a matter is taking more than a reasonable length of time to do so.

2. The Appeal has no valid ground, in case:

- the following list is indicative and not exhaustive -

- a) The reasons for the Appeal are found to be stated falsely.
- b) The underlying reason for the Appeal seems to be to delay or stall the implementation of the decision (instead of wanting the decision to be changed).
- c) The Appeal only pertains to a minor aspect of the decision.
- d) There are clear indications that the Appeal is not made in good faith.
- e) The person(s) appealing is (are) not directly affected by the decision.
- f) If the topic is in Auroville's general interest (for example: questions on interpretation or implementation of a mandate or policy), the concerned parties are to approach the RA.

ANNEX 4 - Implementation of Decisions

Final decisions reached through the Appeal process are binding. In case the decision is not respected, AVC, if necessary in consultation with other Auroville bodies (e.g. Working Committee, FAMC, BCC, etc.) will decide together on an appropriate course of action, in relation to any individual or group who refuses to cooperate with the decision, which may include but is not limited to:

1. Removal of a person as member of a Working Group, Unit or Project and /or ensure that s/he does not take any such position for a specified period of time;
 2. Ending monetary support from Auroville or from any of its units and trusts to a resident, unit or project for a specified period;
 3. Advising the Working Committee to start a review process which may lead to the removal of the person's name from the Register of Residents and/or Master List.
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