



ONTARIO ARTISTS' LEGAL ACCESS + SUPPORT NETWORK

AGREEMENTS AND POLICIES FOR UNINCORPORATED GROUPS AND COLLECTIVES

This document was developed to help ad-hoc groups and collectives create their own mutual community agreements and policies through prompts, questions and suggestions.

What is a community agreement?

A community agreement is a document for all parties or members of a group or collective to agree upon when entering into a collaboration, project, or creative endeavor.

“Community agreements provide an opening for a conversation about culture and a written document of the collective vision of the practice you all will be in together... We can use simple tools like community agreements to reframe power and authority with collective care, agency, and support.”

– Sage Crump, “Facilitation as Experiments in Culture Creation” in *Holding Change: The Way of Emergent Strategy Facilitation and Mediation* by adrienne marie brown

What is a policy?

A policy is a list of rules to abide by; they can contain legal aspects as well as the collective or group’s agreed-upon guidelines. When writing a policy, consider striking a committee of various stakeholders including members, community members, artists, etc.

Why develop a community agreement?

Though all members of a group or collective might be in agreement on the direction and activities of the the group, a simple agreement is a good way to ensure that:

- Everyone is on the same page with the same understanding
- Everyone has considered essential questions and what’s important to them
- Everyone feels comfortable

Questions to ask members of your group

Take the time to create a safe space for conversation around these questions. Share access needs. Perhaps designate a facilitator to ensure that all members' needs and wants are heard, and incorporated.

Take notes as you discuss. These notes can become a first draft to your community agreement. Community agreements can come in different forms. As long as issues and ways of addressing them are articulated and agreed upon, your collective can think of a way to present the agreement that most aligns with the group.

1. What are your expectations for this group?

Think about every member's role within the group, your mandate and shared values, and how your agreement or policy can reflect and outline these.

2. What is the purpose or objective of this partnership, collaboration, collective?

Think of the name of the collective or partnership, your mandate or vision, your purpose and your common goals. Consider the objectives of the partnership. What does each partner hope to gain or contribute to the collaboration? What's the value created through collaboration / partnership?

3. Are there values that you want all parties to commit to?

Think about value-based conditions that you want this collaboration to be built upon (ie. anti-oppression, prioritizing BIPOC needs). Is there an opportunity to build on these values and include new core values in the future, or will this remain the same?

4. How long will this partnership / relationship last for?

When will this partnership start (effective date)? Is there a final end date (ie. ad-hoc groups that come together for a specific project)? If indefinite, how will you manage a rupture in the group structure?

5. If a conflict arises, how would you best deal with it as a group?

Consider how you would address issues should they arise. What happens if there is a disagreement between members? Does one person or multiple persons have final decision-making power (ie. if one member is the lead applicant on a grant proposal)? Is everyone committed to working through conflicts in a certain manner? How will you try to

prevent conflicts from arising (ie. regular meetings, check-ins about concerns)? What if conflicts cannot be resolved within the group? Will you hire a third-party mediator? And how is this person chosen?

6. What are the roles of all members involved?

List the names of everyone involved and contact info. Through community discussion, try and define the key roles of each member. This does not have to be modelled on conventional organizational structures, but it can be effective if members assume leadership in different areas of the work, as opposed to everyone being involved with everything. For example, the collective might decide that one member is responsible for designing promotional material, another member writes grant applications, etc. Members can certainly contribute to and be involved with different areas of activities, but it can be helpful if members assume leadership and accountability to various activities. What will the group do when new responsibilities arise or roles evolve? Are there strategies for sustainability of the group?

7. What does the operational structure of your group look like?

Are there regular weekly or monthly tasks that need to be performed? (For example: visits to the bank, or checking and answering emails addressed to the collective.) If you hold regular meetings, is there a meeting structure, ie. Who creates the agenda? Who takes minutes? Does someone send out action items at the end to keep everyone on the same page? Do you use a shared drive? Where are passwords stored?

8. How will the group make decisions?

Any there decision-making structures or principles (eg. do all decisions have to be consensus based, or majority based)?

9. How will the group communicate?

Internally

Are there any procedures for transparency and communication? What platform will the group communicate through (eg. Slack, Whatsapp, Google Chat, etc). How will knowledge be documented and shared?

Externally

Consider any brand guidelines, rules, or protocols for public communication and social media. Is there a specific member in charge of this? What image do you want to communicate

externally to the public or communities that you work in? Are there any topics that you would like to stray away from on social media? Is there a procedure for announcing news or launching projects?

10. Where does your collective operate from?

Is there a designated place of business / home base / mailing address?

11. How does your group want to meet?

Consider how often the group wants to meet, if there is a meeting procedure (ie. agenda before hand), who can “call” or ask for a meeting and how?

12. How will you handle financial matters?

Are there expected resource commitments of each partner (cash, in-kind)? How are financial statements kept; who manages finances, is there a designated accountant / bookkeeper? How are funds administered, banking arrangements made, and who has access to shared bank accounts? What happens with earned income and expenses (how are these divided)? Read below for more financial considerations:

Banking

Unincorporated groups and collectives may wish to approach their financial matters in different ways. A group that performs all of its activities on a volunteer basis, and applies for and receives small grants from time to time will have different considerations than a group that regularly applies for funding, engages in active fundraising campaigns, or endeavours to enter into paid agreements with other parties (ie. a public art collective).

Funds for the collective may be held by an individual collective member, and that member is tasked with the responsibility of managing those funds according to the group’s budget. *Note that while this can be fine for managing small amounts of money, there are tax implications for any individual who receives payment addressed to them regardless of whether or not those funds contribute to the collective’s activities.*

The collective may decide to hold a community bank account. Typically, to open a community bank account, at least two members need to assume responsibility for the account. Sometimes the bank may require a letter of collaboration with another

organization, or a grant acceptance letter. A community bank account allows cheques to be issued to that collective's name, as opposed to one of the collective's members.

Budgets

Any group or collective that is seeking revenue and making expenses is advised to create and manage a budget. If you've received a grant, the budget you provided the funder can be used to guide, plan for, and track expenses. Funders will request budget actuals with your report so it is good to track expenses as you go. The collective may choose to make budgets transparent to all members as a practice to promote trust and accountability. Tools like [Open Collective](#) may help to support this.

Artist fees

Are collective members being paid? If so, are they paid an hourly rate or flat rate? Because members of the collective likely have different responsibilities and some may be working more than others, it's okay if not all members of the collective are paid the same amount. Decide how you will be paying members and include this in your agreement.

13. How will you measure success?

Set a context of partnership activities, a work plan, timelines, desired outputs or outcomes. Figure out a process for navigating proposed changes to core activities, or adding new activities. Decide what metrics are important to track and who will be in charge of tracking (ie. number of audience reached, number of hours of mentorship provided, etc.)

14. Who owns the work produced?

Is it jointly owned under the name of the collective, or owned specifically by the member(s) who contributed to the work? Would the collective prefer to keep the work open sourced under a [Creative Commons license](#)? How will production expenses, profits, and other decision-making powers be shared? What happens when something created has potential for commercialization, or other distribution or licensing opportunities? Who is responsible for the administration of intellectual property rights or enforcing rights when works are reproduced without permission? Is there a designated member with signing authority if partnership or licensing contracts are negotiated? What happens when members leave the collective, do they still retain joint ownership? How will work produced be credited?

15. Confidentiality

Will your activities entail coming into contact with sensitive or confidential information? What constitutes confidential information? How will you maintain confidentiality and/privacy of members' personal information?

16. What will you do if there are any changes or amendments to this agreement?

Is there a specific process the group wants to follow? Do changes need to be in writing? What happens if a party wants to withdraw (how much notice do they have to give the others)? What happens if a new party wants to join? What if partners want to dissolve the partnership? How will you develop an exit strategy?

17. How will this agreement be enforced?

How can the collective ensure that all members' behaviour align with the agreement, are there specific consequences? How can members create shared accountability to each other?

*Note: This is a living document. If you or members of your group or collective want to make suggestions to add or edit this document you can reach out to Camila at **outreach@carfaontario.ca***

Further reading and considerations

Creating in the Greyscale: A guide to navigating intellectual property as an emerging artist or designer

https://www.ocadu.ca/sites/default/files/legacy_assets/content/career-experiential/resources/Creating%20in%20the%20Greyscale_Final.pdf

General Partnership Agreement Template from MaRS

<https://learn.marsdd.com/article/general-partnership-agreement-sample-template/>

adrienne marie brown, Emergent Strategy: Shaping Change, Changing Worlds

<https://www.akpress.org/emergentstrategy.html>

adrienne marie brown, Holding Change: The Way of Emergent Strategy Facilitation and Mediation

<https://www.akpress.org/holding-change.html>