

Date adopted: April 26, 2002

Date reviewed: _____

Policy:

Dealing with Non compliance with Bylaws Policies, and Procedures

Intent: The Association expects of its Executives and other Association members ethical and proper conduct. This includes proper use of authority and behaviour when acting as Association members. It expects its members to treat one another and staff with respect, co-operation and a willingness to deal openly on all matters.

Executive Members

Process

Charges of non-compliance with Association Bylaws, Policies and Procedures may be brought forward to the Chair of the Executive who will refer them to the Discipline Committee.

The Discipline Committee will be composed of one member of the Executive as well as two other Association members. Members of this committee will be appointed based on their expressed interest, relevant training and/or experience.

The Executive Member will Chair the Committee.

The Discipline Committee has the responsibility to follow the following guidelines:

- 1) Upon receiving the complaint, the Committee will work to clarify the complaint, determine if and how the Code of Conduct and/or Conflict of Interest policy has been breached and facilitate the complaints process. The Chair is responsible for ensuring that:
 - a) the Member whose behaviour is in question will be advised of this process;
 - b) all complaints and information surrounding complaints will be dealt with in confidence.
 - c) all parties will be dealt with respectfully
 - d) there is a fair review of the complaint to protect Executive and Association Members from vexatious/mischievous/unsubstantiated complaints
 - e) those directly involved in the complaint will be given access to all relevant information during the facilitation process;
 - f) accurate records are kept of the process, including the names of all involved, details of all meetings and the specifics of any resolutions.
 - g) every attempt is made to resolve the concern in a timely manner.

Decisions made by the Discipline Committee must be based on the Constitution, Bylaws and policies of the Association and on the principle of natural justice. The member charged with non-compliance will be provided with an opportunity to present his/her side of the story. If an investigation is required, the committee will conduct a confidential investigation to determine whether further action is needed.

If the member charged with non-compliance divulges information regarding the charges, the information will no longer be considered confidential. The release of such information will also be considered a breach of the Association's Code of Conduct and subject to disciplinary action or expulsion. Information obtained in strict confidence may help the committee to form an opinion and shall not be reported to membership.

Category A

The Discipline Committee will make a decision after fully considering the situation and that decision will be reported to the Executive and will be considered final.

Category B

In a complaint where there are two parties in disagreement and arbitration may be deemed to be appropriate:

- 1) The first priority of the Chair will be to hold a meeting to encourage the parties to meet in an attempt to resolve their differences between themselves.
- 2) If resolution is not reached between the parties, the Chair will enter the discussion, with the intent to facilitate a positive resolution.
- 3) The Chair may request participation of other members in the process.
- 4) If the parties cannot agree on a resolution, the Chair makes a recommendation to the parties. The recommendation may be that the matter be closed or that the matter be dealt with as follows:

Any elected or appointed Member of the Executive, upon a two-thirds vote of Executive Members at any regular or special meeting of the Board for which 30 days notice of intent has been given, may be removed from office for cause as defined by 2/3 of the Executive Members present at that meeting. For clarification and without limiting the generality of the foregoing "removal for cause" shall mean:

- i) being convicted of an indictable offence or offence involving abuse of another person, or
 - ii) having engaged in activities which are deemed to be detrimental to the interests or contrary to the objects of the Association or oath of office.
- 5) Either party may appeal the decision of the Chair. The appeal must be in writing to the Executive within 30 days of being notified of the decision along with a \$500. deposit as a Contribution towards covering the costs of appeal in the event the appeal is not successful.

- 6) The Executive may then decide on an alternate process to facilitate a resolution to the complaint by appointing an independent arbitrator who will conduct an investigation and hearing and make a binding ruling. The actual cost of this appeal process will be decided by the arbitrator. Should the party who instituted the appeal be successful their deposit will be returned without interest.

Association Members:

Non-Compliance

Failure of an Association Member to follow the Association Bylaws, Policies and Procedures may result in disciplinary action and/or expulsion from the Association.

Process

If there is a concern about an Association Member not complying with the Association Bylaws, Policies and Procedures, it will be referred to the Discipline Committee. Procedures will be similar to those outlined for Executive Members as per Category A.