



University Students' Council of the University of Western Ontario EXECUTIVE ACCOUNTABILITY & DISCIPLINE

EFFECTIVE: 1 May, 2007

SUPERSEDES: None

AUTHORITY: Council

**RELATED
DOCUMENTS**

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PREAMBLE:

The operation of the Corporation is greatly affected by the performance of its Executive Officers. The purpose of this Policy is to set out the performance expectations for the Executive Officers. This Policy will act as a guide on how to positively correct any Misconduct or Performance Issues related to work that is managed and/or measured by the Corporation. The objective is to ensure that all Executive Officers are aware of their accountabilities and obligations inherent in their positions and that they are meeting the responsibilities of their positions. This Policy details the recourse available to the Corporation in the event that an Executive Officer is not meeting those obligations or accountabilities. This Policy is the guiding policy for coaching, discipline and termination decisions rendered in regards to the Executive Officers. This Policy is meant to work in conjunction with By-Law #1 of the Corporation.

1.00 DEFINITIONS

1.01 In this Policy, the terms below have the following meanings:

- (1) **“Act”** means the Corporations Act, R.S.O 1990, c. C. 38, as amended from time to time, and every statute that may be substituted for it and, in the case of such substitution, any references in the By-Law to provisions of the Act shall be read as references to the substituted provision in the new statute;
- (2) **“Board”** means the board of directors of the Corporation;
- (3) **“Corporation”** means University Students' Council of the University of Western Ontario, a corporation without share capital incorporated under the Act;
- (4) **“Council”** includes all members;
- (5) **“Decision Making Leave”** means a paid leave from job duties of an undetermined length of time in order for a person to determine if she is prepared to meet the expectations of her position. This is a disciplinary action, decided on by Council, levied against an Executive Officer and voted on during a confidential session of Council as per By-Law #1. The President may not be given a decision making leave. The maximum length of a decision making leave for any executive officer would be twenty (20) scheduled work days.



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- (6) **“Executive Officer”** means the President and any Vice-President;
- (7) **“Misconduct”** means any type of behaviour not conforming to the Corporation’s by-laws, policies, procedures, expectations, accountabilities or practices including, but not limited to, dishonesty and negligent behaviour. Any action that may occur outside the workplace where there is a reasonable assumption that the Executive Officer is attending as a representative of the Corporation, and has a negative impact on the workplace and/or relationships in the workplace may also be considered misconduct.
- (8) **“Performance Issue”** means sub-standard work performance in either the quality or the quantity of work produced.
- (9) **“Workplace”** includes buildings, offices, work-sites, on-road vehicles and all locations where business is being conducted or where an Executive Officer is attending a meeting or function as a representative of the Corporation.
- (10) **“Work-related performance counseling”** means non-disciplinary session to discuss Performance Issues or Misconduct, clarify performance expectations and set guidelines for improvement.

2.00 APPLICATION

2.01 This Policy applies to all Executive Officers of the Corporation.

3.00 EXECUTIVE OFFICER ACCOUNTABILITIES

3.01 Each Executive Officer is expected to be aware of and adhere to the following:

- (1) Corporate and, applicable, University by-laws, codes, policies and procedures;
- (2) Applicable federal, provincial and municipal legislation and regulations;
- (3) Strict avoidance of any type of act that has, or might reasonably be seen to have an adverse effect on the reputation or the proper functioning of the Corporation or on the health, safety or rights of other persons or groups;
- (4) Competent portfolio management. An element of competent portfolio management is meeting the expectations set out in the Executive Officer’s terms of reference; and,
- (5) Any other guidelines, rules, regulations or polices as set out by the Board or Council. Any such guidelines would be communicated in writing to each Executive



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Officer by the President, in consultation with the Human Resources Manager. Where any material changes are made to any such document applicable to one or more of the Executive Officers such changes will be communicated to all of the Executive Officers in writing.

4.00 RESPONSIBILITIES

4.01 Executive Officers

- (1) All Executive Officers have a responsibility to ensure that they are conducting themselves in a professional manner at all times and adhering to the accountabilities as listed in Article 3.00 of this Policy, and,
- (2) Executive Officers are encouraged to discuss their workplace concerns with the President, or the Human Resources Manager, in the event that they are unable to meet the expectations of the Corporation.

4.02 President: The President is responsible for the following:

- (1) Address and resolve any barriers that may get in the way of an Executive Officer completing her work duties as assigned;
- (2) Provide each Executive Officer with adequate training, staff, support and equipment in order to complete their assigned duties, in conjunction with the Management team of the Corporation;
- (3) Notify an Executive Officer immediately once a Misconduct or Performance Issue has been identified. Ignoring such behaviour could be viewed as condoning it;
- (4) Intervene and impartially investigate the circumstances surrounding any Misconduct or Performance Issue in conjunction with the Human Resources Manager. An Executive Officer must always receive an opportunity to explain her behaviour during the course of the investigation; and,
- (5) Confer with the Human Resources Manager prior to conducting any investigations, rendering decisions or performing counseling sessions in regards to a Misconduct or Performance Issues of an Executive Officer.

4.03 Vice-Presidents: The Vice-Presidents are responsible for the following:

- (1) Alert the Human Resources Manager immediately in the event that a Misconduct or Performance Issue has been identified with the President; and,
- (2) Nominate one voting member of the Board, as a designate of the Board, to assist the Human Resources Manager in conducting an impartial investigation into the



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circumstances surrounding the Misconduct or Performance Issue. The designate will not participate in formulating the recommendation to be provided to the Board. During an investigation, the designate must maintain the strictest level of confidence.

4.04 **Human Resources Manager:** The Human Resources Manager is responsible for the following:

- (1) Address and resolve any barriers, within her purview, that may get in the way of an Executive Officer completing her work duties as assigned;
- (2) Provide each Executive Officer with adequate training in order to complete her assigned duties, in conjunction with the Management team of the Corporation;
- (3) Conduct an impartial investigation into any situation surrounding Misconduct or Performance Issues with an Executive Officer;
- (4) Prepare a final report including recommendations to address any Misconduct or Performance Issue and present to the Board and/or Council following the completion of a through investigation;
- (5) Obtain training and outside resources necessary in order to conduct a proper and through investigation; and,
- (6) Provide training to the President in regards to conducting an impartial investigation.

5.00 CONFIDENTIALITY

5.01 All Information regarding any type of Work-related performance counseling will be kept strictly confidential, except to the extent that disclosure is reasonably necessary to investigate the circumstances surrounding the situation. If the situation arises, confidential disclosure may be required to be made to the Board or Council. Such disclosure will be made in accordance with By-Law #1. All investigation findings will be kept confidential except where provided for in this Policy.

6.00 EMPLOYEE ASSISTANCE PROGRAM

6.01 All eligible employees are encouraged to utilize the Employee Assistance Program that is provided by the Corporation. This is a confidential service offered through the Family Services of London that can assist employees dealing with a variety of personal issues that may be affecting their work performance. In the event that an Executive Officer is put through the Work-related performance counseling program, she will be offered enrollment in a specialized Employee Assistance Program. This will occur at the initial step and each subsequent step.



7.00 GUIDELINES FOR ADDRESSING MISCONDUCT OR WORK RELATED PERFORMANCE ISSUES

- 7.01 Enrolment and advancement in the Work-related performance counseling program will not necessarily be automatic. The Corporation will consider factors such as the nature of the Misconduct or Performance Issue (e.g. prolonged or intermittent), the frequency of the incidents of Misconduct or Performance Issue, the persistence of the problem, whether there have been attempts to address the situation, the underlying causes(s) of the Misconduct or Performance Issue (where known to the Corporation), and a reasonable comparison to the performance records of the other Executive Officers. These factors will be considered once an investigation has been completed and the Human Resources Manager is compiling her report to present to the Board or Council.
- 7.02 In the event that it is determined that Misconduct occurred or that there is a Performance Issue, the Human Resources Manager will always recommend the most minimum action necessary in order to correct the behaviour.
- 7.03 If the behaviour of a Vice-President is identified as particularly serious, willful or unlawful, the Board with a two-thirds majority vote or the President alone, will have the option to refer the situation directly to Council.
- 7.04 In the event that the situation is less serious, the following options will be available to the Board to address any concerns:
- Step 1 - Verbal Counseling, non-disciplinary, and,
- Step 2 - Written Counseling, non-disciplinary.
- 7.05 Regardless of the form of counseling imposed, the Executive Officer will be asked to sign the letter to be placed in her employment file. Failure by the Executive Officer to sign the letter does not constitute insubordination, and the letter will still be placed in the Executive Officer's employment file noting her refusal to sign.
- 7.06 The Human Resources Manager will attend any meeting held by the President with any Vice-President or the Communications Officer to assist the President when the President is addressing employment concerns.

8.00 CORRECTIVE ACTION STEPS

8.01 Vice-Presidents

- (1) The Board will have the full authority, in consultation with the Human Resources Manager, to make all decisions regarding any counseling in regards to the Vice Presidents;



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- (2) The Board must review the investigation and recommendations as provided by the Human Resources Manager and require a two-thirds (2/3) majority vote in favour of any type of counseling for a Vice-President;
- (3) In the event that a Vice-President receives a Written Counseling the Board will notify the Council in a confidential session of council;
- (4) If the Misconduct or Performance Issues persist, Council will be given the opportunity to further review the Vice-Presidents employment record and make a decision regarding a Decision-Making Leave. The Council will have full discretion on the conditions surrounding the leave with guidance from the Human Resources Manager, General Counsel, General Manager and the President.;
- (5) Once a Vice-President returns from her Decision Making Leave, she will meet with the President and the Human Resources Manager to further review expectations, to create an action plan and ensure that all of the conditions surrounding the leave have been fulfilled;
- (6) If the situation continues to persists and/or the Vice President fails to adhere to the action plan, Council will then have an opportunity to remove the Vice President as per By-Law #1, and,
- (7) A Vice President can only be removed from her position following the procedure as outlined in By-Law #1.

8.02 **President**

- (1) The Board will have the full authority, in consultation with the Human Resources Manager, to make all decisions regarding any counseling in regards to the President;
- (2) The Board must review the investigation and recommendations as provided by the Human Resources Manager and require a two-thirds (2/3) majority vote in favour of any type of counseling for the President;
- (3) In the event that a President receives any type of Counseling the Council will be notified by the Board in a confidential session of Council;
- (4) If the Misconduct or Performance Issues persist, the Board will be given the opportunity to further review the Presidents employment record and make a decision regarding further Counseling and creating an action plan to correct her behaviour.;



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- (5) Once a President has received a written warning, she will meet with the Human Resources Manager to further review expectations, to create an action plan and ensure that all of the conditions surrounding the Counseling have been fulfilled;
- (6) If the situation persists and/or the President fails to adhere to the action plan as outlined by the Board, then, the board will then have alert Council to initiate a student initiated plebiscite, and,
- (7) A President can only be removed from her position as per the procedure outlined in the Corporations By-Laws.