



## EXECUTIVE OFFICER ACCOUNTABILITY AND DISCIPLINE POLICY

1 April 2016

USC Council

### 1. Objective

To strengthen and ensure transparency and accountability of all members of the USC Executive.

### 2. Policy Statement

The Terms of Reference for each Executive Officer is set out in the **Executive Officers Terms of Reference** and within each **Executive Officer Job Description**. The operation of the organization 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 and to outline measures to be taken in the event an Executive Officer fails to meet with the expectations outlined herein.

Discipline is not intended to be punitive in nature, but rather is intended to correct and improve performance. The USC wishes to ensure all members of the Executive perform their duties in compliance with by-laws, rules, regulations, instructions, procedures and best practice, and where such performance falls short, reasonable opportunity for performance improvement is available.

### 3. Application

This policy applies to all Executive Officers of the Corporation.

### 4. Administration

This policy is administered by the Board of Directors.

### 5. Executive Officer Responsibilities

1. Each Executive Officer is expected to be aware of and adhered to the following:
  - i. Corporate and, applicable, University by-laws, codes, policies and procedures;
  - ii. Applicable federal, provincial and municipal legislation and regulations;
  - iii. Strict 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;
  - iv. Competent portfolio management including expectations set out in the **Executive Officers Terms of Reference** and job descriptions; and,
  - v. Any other guidelines, rules, regulations or policies as set out by the Board or Council. Any such guidelines should be communicated in writing to each Executive Officer by the President, in consultation with the Senior Manager, Human Resources. 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.



2. In relation to Executive Officer accountability, the President shall be responsible for the following:
  - i. Address and resolve any barriers that may get in the way of Executive Officer completing her work duties as assigned;
  - ii. Provide each Executive Officer with adequate training, staff, support and equipment in order to complete his or her assigned duties, in conjunction with the General Manager and the Management team of the Corporation;
  - iii. Notify an Executive Officer immediately when an issue relating to the Executive Officer's performance has been identified.
  
3. The other Executive Officers are responsible for the following:
  - i. Alert the Chair of the Discipline Committee immediately in the event that misconduct or serious performance issues have been identified with the President.

## 6. Discipline Process and Procedures

1. Initiation of Disciplinary Process
  - i. Where an Executive Officer fails to meet with his or her duties and responsibilities as set out in this document or the Terms of Reference or Job Description documents a disciplinary process may be initiated.
  - ii. The disciplinary process may be initiated upon a receipt of a written in relation to an Executive Officer's conduct. A complaint should be directed to the Chair of the Discipline Committee.
  - iii. Upon receipt of complaint, the Chair shall prepare a written outline of the complaint setting out particulars of the Executive Officer's conduct.
  - iv. The written particulars shall be provided to the Executive Officer for response.
  - v. The Board shall thereafter determine whether the disciplinary process will be initiated, having regard to the nature and seriousness of the allegation(s) of misconduct, the Executive Officer's response and the need for further investigation. The Board may direct that a Discipline Committee be established to consider the complaint setting out particulars of the Executive Officer's conduct.
  
2. Constitution of Discipline Committee
  - i. The Discipline Committee shall be comprised of two (2) members of Council, two (2) Directors, and the President. In the event a member of the Discipline Committee has a conflict of interest, the remaining four (4) members shall name a replacement from Council, the Board, or the Executive Council.
    - a. Quorum of the Discipline Committee shall be four (4) members.
    - b. A decision or order of the Committee shall be made way of majority vote.
  - ii. The Discipline Committee shall elect from amongst itself its Chair, who shall not be either the Chair of the Board or the President.



### 3. Discipline Committee's Mandate

- i. Upon receipt of a particulars of a complaint, the Disciplinary Committee shall:
  - a. Determine whether further investigation is required.
  - b. Initiate an investigation to determine whether the matter warrants any form of discipline.
  - c. Recommend an informal form of response as may be appropriate.
  - d. Discuss the matter if no further investigation or discipline is warranted.
  - e. Receive and consider the result of the investigation and determine if discipline is warranted.
- ii. The Discipline Committee shall be permitted to engage an external investigator where required, to conduct a fact-finding investigation in relation to the alleged misconduct.

### 4. Conduct of Investigation

- i. Once a decision has been made to initiate an investigation, the Disciplinary Committee shall promptly notify the Executive Officer whose conduct is in question.
- ii. The Executive Officer shall be entitled to respond to the allegation in writing or orally.
- iii. The Human Resources Senior Manager may act as a resource to the Executive Officer or any parties involved in the investigation.

### 5. Notice to Member and Member's Right to Hearing

- i. If, after an investigation, the Discipline Committee concludes that a form of discipline may be warranted, it shall promptly notify the Executive Officer.
  - a. The notice shall be in writing and shall be sent to the Executive Officer's email address on file with the USC. If the Executive Officer is on leave at the time, the notice shall be sent by courier to the last mailing address on file with the Corporation.
  - b. The notice shall inform the Executive Officer that he or she may respond to the allegations by making written submissions, or by asking for a hearing before the Discipline Committee.
  - c. The Executive Officer's response to the notice may be received by the Discipline Committee within thirty (30) days of delivery of notice.

### 6. Hearing

- i. If the Executive Officer elects to respond to the notice by way of written submissions, the Discipline Committee shall render a decision on the basis of the investigation report and such submissions.



- ii. If the Executive Officer elects to have a hearing, the Discipline Committee shall hold a hearing as soon as practicable.
- iii. The Discipline Committee shall have the power to determine procedures of the hearings as appropriate. Notwithstanding this power, the Executive Officer shall be entitled to call witnesses and make oral submissions before the Committee.
- iv. Upon receiving all the investigation reports and hearing the submissions of the Executive Officer, the Discipline Committee shall determine where the member committed any misconduct, the Executive Officer will have the opportunity to make submissions as to the nature and extent of the disciplinary action to be taken against him or her.
- v. The Discipline Committee may then order the member undergo such discipline as it considers just. Such discipline may include:
  - a. A reprimand;
  - b. A suspension (with or without pay);
  - c. For the Secretary-Treasurer or Communications Officer, dismissal for cause.
- vi. Where the Discipline Committee finds removal from office is the proper discipline for misconduct for the President, Vice-President, or Student Programs Officer, the Discipline Committee shall communicate such recommendation to Council.
  - a. Council shall have the authority to dismiss the President, Vice-President or Student Programs Officer by a two thirds ( $\frac{2}{3}$ ) vote upon receiving a recommendation for removal from the Discipline Committee.

## 7. Informal Response

- i. If the Discipline Committee considers that disciplinary action is not warranted it may nevertheless recommend a form of workplace counselling, or a discussion take place between the Executive Officer and an appropriate superior.
- ii. In any workplace counselling session or discussion, the Executive Officer should be clearly informed as to the expectations he or she is to meet.
- iii. The Executive Officer may be given a period of time within which his or her conduct is expected to improve and should be advised of the consequences of any failure to adhere to such expectations, which may include referral back to the Discipline Committee.

## 7. Discipline Committee Considerations

1. Upon receiving a complaint, an investigation should investigate the conduct of the member involved and such investigation should include:
  - i. Determining relevant witnesses;
  - ii. Meeting with relevant witnesses;
  - iii. Meeting with the Executive Officer whose conduct is complained of;
2. Considerations when determining appropriate level of discipline:
  - i. Previous record of Executive Officer;
  - ii. Whether or not the incident is isolated;



- iii. Was the member provoked;
  - iv. Seriousness of the offense;
  - v. Other mitigating factors (age, disability, illness, etc.)
3. Other considerations:
- i. To the extent possible all investigations shall be kept confidential.
  - ii. The Discipline Committee may consult with a lawyer in the process. It is particularly recommended if allegations are serious.

## 8. Context and Enactment

1. Documents Repealed – Executive Officer Accountabilities and Discipline Process
2. Supporting/Related Documents – **By-law #1: Corporate By-law, Executive Officers Terms of Reference, Definitions Policy.**
3. Date Passed – 30 March 2016
4. All previous Amendments -