



POLICY 2.04
COUNCIL GOVERNANCE
Dismissal and Discipline

POLICY INTENT

It is essential that Councillors adhere to policy and ensure that other councillors are acting within the policies and guidelines of AUSU. Should a Councillor consistently fail to fulfill his or her obligations, that Councillor may face reprimand or removal from Council.

POLICY RESPONSIBILITY

Council

POLICY

Cause of Removal

- 2.04.01 Councillors may be reprimanded and/or removed from Council if:
- a) They fail to adhere to AUSU policy and bylaws;
 - b) They are convicted of an offence under the Criminal Code of Canada; or
 - c) AUSU Council feels there is other just cause.

Process of Reprimands or Dismissals

- 2.04.02 Reprimands or dismissals must go through due process. Due process is as follows:
- a) A request to reprimand or dismiss a Councillor (the accused) shall be brought forward to the President who will determine if any AUSU policies have been breached.
 - b) If the request to reprimand or dismiss is against the President, it shall be brought forward to the Vice President External.
 - c) Executive Council must notify the accused in writing at least two weeks prior to the next scheduled meeting of Council that he/she has been accused of misconduct and that a motion to reprimand or dismiss them has been proposed for that meeting.
 - d) Specifics of the alleged misconduct must be provided in writing to the accused at the time of notification.
 - e) The accused is entitled to present a defense/rebuttal to the allegations of misconduct and has the option to be present for the reprimand/dismissal.
 - f) The vote will be held as a secret ballot to be conducted in a manner agreed upon by council.
 - g) The motion to reprimand/dismiss the accused Councilor will fail unless it receives at least 2/3-majority support.
 - h) A resignation from Council shall not halt these proceedings.

Disclosure

- 2.04.03 If a motion to dismiss a councillor is carried; a notice of the dismissal will be distributed to the membership and the full motion with all supporting documents included in the public meeting minutes.
- 2.04.04 If a motion to reprimand a councilor is carried, the motion with all supporting documents will be included in the public meeting minutes.
- 2.04.05 If a motion to reprimand or dismiss a councilor is defeated, the minutes shall record only that a motion to reprimand or dismiss a Councillor was brought forward and failed. The accused shall not be identified within the minutes and the supporting documentation will be kept confidential and shall not prejudice future decisions.

Recording of Outcomes

- 2.04.06 If a Councillor has been removed by 2/3 majority in accordance with this policy, he/she is no longer considered a member in good standing and is therefore no longer eligible to be elected to or serve on AUSU Council.
- 2.04.07 A record of any proceedings of this nature will be maintained in the AUSU office and with the AUSU lawyer.

Committee Activity Disciplinary Action

- 2.04.08 Councillors who are not fulfilling their obligations as a committee member may be removed from their committees or have any pay attached to their committee work docked for the period during which they did not fulfill their obligations
- 2.04.09 To apply disciplinary action to a committee member, the Chair of the committee must provide written notice that the committee member has not been meeting the expectations of the committee. This notice must detail exactly which portions of the Committee's Terms of Reference or of the AUSU Committee Governance Policy are not being met, and be sent simultaneously to:
 - a) The Executive Director;
 - b) The President of AUSU; and
 - c) The entire committee in question.
- 2.04.09.1 The committee or the Executive Council may vote to overturn the Chair's decision within five business days of the notice being provided to the committee. Quorum for the vote is half the membership of the committee or the Executive Council.
- 2.04.10 After five business days of receiving the notice, if it has not been overturned, the Executive Director will ensure that the committee member in question does not receive any pay associated with their committee work for that committee for the next two pay periods (2 weeks each), and shall keep a record of this deduction.

- 2.04.11 Should the behavior recur and a second notice be presented and not overturned, the Executive Director shall additionally remove the committee member from the committee, notifying AUSU Council that this has occurred. Any Councillor removed in this manner may not be reappointed to that committee for 90 days following the removal.
- 2.04.12 If notified by a committee member that the committee chair is not fulfilling their duties as listed in the committee's Terms of Reference, the Executive Council shall hold a special meeting within one week of the notification to discuss the matter and put forth a resolution of the Executive Council.
- 2.04.12.01 The Executive Council will make all reasonable efforts to ensure that the committee chair is able to attend the meeting and present their response.
- 2.04.12.02 The resolution of Executive Council should indicate which point of the Terms of Reference or Committee Governance Policy the chair did not fulfill, if any, and if so, whether the committee chair is removed from the position of chair or from the committee entirely.
- 2.04.13 The resolution shall be placed on the public meeting minutes for ratification by AUSU Council, but shall take effect immediately and until overturned by AUSU Council.

POLICY HISTORY

Original Approval Date: October 23, 1999

Updated Date: December 12, 2008

Mandatory Review by Date: December 12, 2010