



POLICY 2.04

COUNCIL GOVERNANCE

Discipline

POLICY INTENT

The intent of this policy is to provide a clear discipline process to deal with misconduct on the part of an AUSU councillor and to define the possible outcomes of that process.

POLICY RESPONSIBILITY

Council

POLICY

Misconduct

- 2.04.01 Councillors may be found guilty of misconduct if:
- they fail to adhere to AUSU Articles, bylaws, the Code of Ethics and Professional Responsibility, or written policy;
 - their conduct is detrimental to AUSU, its council, or its members as determined by council in its sole discretion; or
 - for any other reason that council in its sole and absolute discretion considers to be reasonable, having regard to the purpose of AUSU.

Discipline Process

- 2.04.02 Any disciplinary action must go through due process. Due process is as follows:
- a request to discipline a councillor (the accused) shall be brought forward in the form of a complaint to the president, who will bring the matter to the executive;
 - the complaint must include, in writing, all available details of the event(s) and/or conduct that the complainant is aware of and copies of any correspondence or other materials that are germane to the complaint that the complainant has access to;
 - the executive will determine if there are reasonable grounds to continue with the discipline process;
 - if the complaint is against the president, the president's role in the disciplinary process shall be assumed by the VP external and students affairs.
 - if the complaint is made against a member of the executive, that person shall not participate in determining if there are reasonable grounds to continue with the discipline process except in the capacity of the accused;
 - if the complaint is made by a member of the executive, that person shall not participate in determining if there are reasonable grounds to continue with a discipline process except in the capacity of a complainant;

- g) the executive must notify the accused in writing within 7 days of receiving the complaint, that they have been accused of misconduct;
- h) in determining if there are reasonable grounds to continue with the discipline process, the accused will have an opportunity to address the executive and the executive will then have an in-camera discussion of the complaint without the complainant or the accused present;
- i) after the in-camera discussion, the executive may unanimously agree to discontinue the process. If this decision cannot be made unanimously, the executive shall bring the matter before council by deciding to continue the discipline process;
- j) the executive must notify the complainant and the accused within two business days, of their decision whether to proceed with the discipline process;
- k) if the executive determines that there are reasonable grounds to proceed with the discipline process, they may investigate the facts and circumstances around the complaint at their sole discretion;
- l) if the discipline process continues, the executive must notify the accused in writing at least 10 calendar days prior to the next scheduled meeting of council that a motion to discipline them has been proposed for that meeting;
- m) if there is more than one instance of misconduct (e.g. breach of more than one policy or bylaw clause), each shall be dealt with by a separate motion of discipline;
- n) specifics of the alleged misconduct must be provided in writing to the accused and to council at the time of notification, and shall include:
 - i. the exact motion(s) that will be on the meeting agenda;
 - ii. details of the investigation and findings;
 - iii. all relevant information that was considered by the executive and will be provided to council supporting the motion; and
 - iv. information on how the accused can present their defense.
- o) the accused is entitled to present a defense/rebuttal to the allegations of misconduct in writing to council, and has the option to be present for and participate in the council discussion of the motion to discipline, however council will not discuss the motion in any way prior to the motion being duly put forward at a council meeting;
- p) discussion of the motion to discipline shall be held in-camera;
- q) the vote will be held as a secret ballot to be conducted in a manner agreed upon by council;
- r) a simple majority is required to pass a motion of discipline;
- s) a resignation from council shall not halt these proceedings.

Penalties

- 2.04.03 Where misconduct is found to have occurred, as evidenced by the passing of a motion of discipline, a subsequent motion of council will be held to determine the penalty to be imposed.
- 2.04.04 The penalty motion shall also take place in-camera and by a secret ballot, and the accused will have the right to be present and to address the motion.
- 2.04.05 One or more of the following penalties shall be imposed by council:
 - a) the minimum and automatic penalty of a formal record of the motion in the public meeting minutes;
 - b) withholding of committee, councillor, or executive honorarium;
 - c) suspension from council;
 - d) removal from committee or executive; or
 - e) removal from council.

2.04.06 A simple majority may pass a penalty motion, except in the case of removal from council, which requires 2/3 majority vote to pass.

2.04.07 If a second or subsequent motion of discipline is passed, an automatic motion of removal from council against that councillor shall be brought forward by the president.

Disclosure

2.04.08 The results of a motion to discipline a councillor will be included in the public meeting minutes.

2.04.09 If a councillor has been removed from council, they become a member no longer in good standing and are therefore no longer eligible to be elected to or serve on AUSU council as per AUSU bylaw.

2.04.10 A record of any disciplinary proceedings of this nature will be maintained in the AUSU office.

2.04.11 Executive may choose to consult with the AUSU legal counsel in matters of discipline.

Committee Activity Disciplinary Action

2.04.12 If any councillor or member at large is not fulfilling their obligations as a member of an AUSU committee, a request to discipline that councillor or member at large as a committee member may be brought forward as per the procedure above.

RELATED REFERENCES, POLICIES, PROCEDURES AND FORMS

This Policy References:

AUSU Bylaw

This Policy is Referenced by:

Policy 2.10 Council Governance: Executive Director

Policy 2.12 Council Governance: Anti-Harassment

Policy 2.13 Council Governance: Code of Ethics

Policy 2.14 Council Governance: Councillor Responsibility and Honoraria

Policy 2.15 Council Governance: Executive Accountability and Compensation

Forms:

POLICY HISTORY

Original Approval Date: October 23, 1999

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