



Concordia University of Edmonton

# Students' Association

## DISCIPLINARY POLICY

CONCORDIA STUDENTS' ASSOCIATION

CONCORDIA UNIVERSITY OF EDMONTON

EDMONTON, ALBERTA

2018-19

**Disciplinary**

**Policy: CSA Disciplinary**

**Category: Organizational Policies**

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## **1.0 General Provisions**

### **1.1. Definitions**

- 1.1.1. **CSA** is the Concordia Students' Association.
- 1.1.2. **Complaint** is a statement by one party that an action(s) or decision(s) of another party are unacceptable.
- 1.1.3. **CUE** is Concordia University of Edmonton.
- 1.1.4. **Dispute** is when one party argues against the actions or decisions made by another.
- 1.1.5. **In Camera** is a meeting in which minutes of a meeting are not taken for reasons of confidentiality.
- 1.1.6. **Judicial Board** is the dispute resolution board of the CSA.

### **1.2. Applicable Legislation & Bylaws**

- 1.2.1. All policies and procedures of Concordia Students' Association (CSA) are subject to the provisions of Alberta's *Societies Act* (as amended), CSA Objects, and the CSA Bylaws. If there is a conflict between the provisions of any CSA policy or procedure and the provisions of the *Societies Act* or CSA Objects or CSA Bylaws, then the provisions of the *Societies Act* or CSA Objects or CSA Bylaws shall prevail.

## **2.0 Governing Authority**

### **2.1. Judicial Board**

- 2.1.1. The Judicial Board is granted authority by the General Council.
- 2.1.2. The recommendations or rulings of the Judicial Board are final.
- 2.1.3. The Judicial Board shall arbitrate all disputes regarding adherence to the Objects and Bylaws of the CSA, as well as CSA policies and/or procedures, including any disputes arising from an election, and as recommended by the Executive Council.
- 2.1.4. All other duties and information about the Judicial Board are found in section 17 of the Bylaws.
- 2.1.5. The composition of the Judicial Board is outlined bylaw 17.3.1.

### **2.2. General Council**

- 2.2.1. The General Council votes no later than the October meeting to select the Judicial Board.
- 2.2.2. The General Council Chair shall serve as non-voting Chair of the Judicial Board.
- 2.2.3. The General Council must enforce all Judicial Board rulings and act upon their recommendations.

### **2.3. Executive Council**

- 2.3.1. The Executive Council may receive disputes, or complaints, and send those to the General Council Chair as soon as possible.
- 2.3.2. The Executive Council may choose to try and resolve a dispute, or send it to the Judicial Board.

### **3.0 Judicial Board Members**

#### **3.1. Purpose**

- 3.1.1. The purpose of this policy is to layout the composition of the Judicial Board.

#### **3.2. Policy**

- 3.2.1. The Judicial Board consists of the following (in accordance with Bylaw 17.3.1):
  - a) Three (3) voting General Councillors; and
  - b) General Council Chair as a non-voting Chair
- 3.2.1.1. If one of the three General Councillors has a conflict of interest, another General Councillor must be selected in their place;
- 3.2.1.2. If the General Council Chair is unavailable or subject to a conflict of interest, the Finance Standing Committee Chair will act as non-voting Chair of the Judicial Board.
- 3.2.2. The Councillors selected, and who agree, to be on the Judicial Board must serve their term in office on the Board;
  - 3.2.2.1. This includes attending all Judicial Board meetings except where conflict of interest arises.
- 3.2.3. All Judicial Board members must be present for the meeting to meet quorum.
- 3.2.4. All Judicial Board members must vote on each ruling.

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**4.0 Dispute and Complaint Resolution Process**

**4.1. Purpose**

- 4.1.1. The Judicial Board needs a clear process on how to determine rulings and recommendations in disciplinary cases.

**4.2. Policy**

- 4.2.1. Any Active Member may raise a dispute regarding the failure to adhere to the Objects or Bylaws of the CSA, or to CSA policies and procedures by communicating to the Executive Council, in writing, the nature of the dispute, clearly stating which provision(s) of the Objects, Bylaws, or CSA policy or procedure (s) are under dispute. Where applicable, the Executive Council shall forward a copy of this communication to all individuals and bodies within the CSA that are involved in the dispute, and shall request written responses to the communication.
- 4.2.2. Should the dispute involve the Executive Council, or a member of the Executive Council, the person raising the dispute may submit their dispute to the General Council Chair.
- 4.2.3. In cases where the Executive Council is not involved with the dispute, or complaint, the Executive Council shall attempt to mediate and resolve any dispute, or complaint.
- 4.2.4. The Executive Council may seek the assistance of an experienced third party neutral mediator, within fourteen (14) days of the initial dispute.
- 4.2.5. Between fourteen (14) days and six (6) weeks after a dispute has been raised, any party involved in the dispute may request that the Executive Council refer any unresolved matters to the Judicial Board. Such requests must be made in writing.
  - 4.2.5.1. If there is a request for the matter to go to the Judicial Board, the Executive Council must forward all documentation to the General Council Chair who shall notify the Judicial Board with all information pertaining to the dispute/complaint.
- 4.2.6. The Executive Council may refer a dispute, or complaint, to the Judicial Board before the fourteen (14) day limit specified in Bylaw 17.5.1 if they deem such an action to be in the best interests of the CSA.
- 4.2.7. Once the Judicial Board receives the case, they must convene within five (5) business days of receiving the dispute/complaint;

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- 4.2.7.1. The Judicial Board may meet more than once for a case;
  - 4.2.7.2. All Judicial Board members must be present for all meetings pertaining to the same case;
  - 4.2.7.3. All Judicial Board members must vote;
  - 4.2.7.4. All Judicial Board meetings will be in-camera;
  - 4.2.7.5. Judicial Board must allow for each party to speak for any case;
  - 4.2.7.6. The Judicial Board shall make a ruling on each element of the dispute with Two-Thirds ( $\frac{2}{3}$ ) Majority Vote only as to whether the direct interpretation or spirit of the Objects, Bylaws, or CSA Policies or practices has been violated;
  - 4.2.7.7. The Judicial Board may also make recommendations on potential consequences, up to and including impeachment, if a violation is determined to have occurred;
  - 4.2.7.8. The Judicial Board shall consider all submissions that it receives regarding a dispute. The Judicial Board may solicit additional information where appropriate;
  - 4.2.7.9. Decisions made by the Judicial Board must be sent in writing to the General Council, and any affected parties, no later than two (2) business days after a ruling or recommendation(s) have been made.
- 4.2.8. The CSA will conduct all proceedings in accordance with with the established principles of natural justice in common law:

*Nemo Iudex in Causa Sua*: "nobody shall be a judge in his own cause", no decision should be made where there is a bias or conflict of interest or duty;

*Audi Alteram Partem*: "hear the other side", giving at least a reasonable opportunity for the subject of discipline to present one's case

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**RATIONALE** The CSA requires a clear and unbiased Discipline Policy.

**EXPECTATIONS**

**1. The CSA Disciplinary Officer (DO) is responsible for investigating and providing recommendations to the General Council. Both the DO and General Council are expected to meet the following expectations:**

**1.1. Will ensure that action taken under their authority to take punitive or corrective measures against members of the association including elected representatives, adheres to the following procedures:**

**1.1.1. Debates of motions made under the requirements of this policy will be In Camera, and votes on motions to impose punitive measures will be done by Secret Ballot.**

**1.1.2. If General Council decides that sufficient grounds exist, it will make a motion specifying the subject of discipline, a succinct justification, and the proposed punitive or corrective measure.**

**1.1.3. Written notice of consideration of a disciplinary motion will be provided to the person or persons subject to discipline no less than two weeks in advance.**

**1.1.4. Motions to impose punitive measures must be made by special resolution.**

**2. The CSA will conduct all disciplinary proceedings in accordance with the established principles of natural justice in common law. Concordia Students' Association CSA Discipline Policy**

**3 Nemo Iudex in Causa Sua: "nobody shall be a judge in his own cause", no decision should be made where there is a bias or conflict of interest or duty; Audi Alteram Partem: "hear the other side", giving at least a reasonable opportunity for the subject of discipline to present one's case**

**Item I – Disciplinary Officer**

**1. The DO is appointed by the President in consultation with the General**



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**Manager and subject to General Council approval.**

**2. The DO is responsible for investigating any complaints against any CSA General Member, elected CSA official, and/or any individual employed or contracted by the CSA.**

**3. The DO may appoint additional staff if required in consultation with the General Manager.**

**4. The DO attends General and Executive Council meetings at the request of the President or any two (2) Council members**

**5. The DO relinquish the right to speaking privileges, except in circumstances pertaining to his/her position at any Executive and General Council meetings;**

**6. The DO relinquish the right to petition Council;**

**7. The DO relinquishes the right to run for any elected position of General Council or any appointed or hired position of the General Council during his/her term in office;**

**7.1. In the event that the Disciplinary Officer wishes to run for a General Council Office, the Disciplinary Officer shall step down from his/her position upon announcing his/her intention to run by submitting written notice to the Vice President of Finance and the General Manager. The Disciplinary Officer may resume the position if not elected.**

**8. The DO will temporarily step down and appoint, in consultation with the President and the General Manager an Acting DO should a conflict of interest occur;**

**9. The DO is subject to removal from office at any time by Special Resolution of General Council. Concordia Students' Association CSA Discipline Policy**

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**Item II – Process**

**1. The complaint process is overseen by the DO.**

**1.1. A written complaint must be registered with the Disciplinary Officer;**

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**1.2. The DO must notify the President with a written copy of the Complaint at the earliest possible opportunity;**

**1.3. The Complaint is presented at the next General Council meeting. Written copies must be given to the President, the Vice President of Finance, and the Accused;**

**1.4. The DO and their staff investigate the complaint in a timely manner;**

**1.5. The DO issues a report to the General Council based upon their investigation as to the legitimacy of the complaint and if found to be legitimate recommends disciplinary actions.**

**2. The President, in consultation with the General Manager, may request the approval of the Executive Council to modify this procedure as deemed necessary.**

**3. An appeal must be filed in writing with the DO within five (5) business days of the General Council's decision.**

**3.1. The DO brings the matter to the next General Council meeting where the General Council deliberates and votes on whether to overturn the decision.**

**3.2. A Special Resolution is required to overturn the decision.**