

CODE CHANGES 2020: DISCIPLINE

TO: Council
FROM: Governance Committee
November 2020

Amendment to introduce guidelines on discipline of Council members.

Additions are indicated by ***bold italics***. Deletions are indicated by striking through (~~like this~~).

SECTION II: COUNCIL, COUNCIL MEMBERS, AND OTHERS

Article 22. Discipline

- 1. Council may refer discipline issues to the Discipline Committee when there are allegations that a member of Council has violated the Society's Constitution, Bylaws, Code, or Policies, or otherwise conducted themselves in such a way as to bring the Society into disrepute.***
- 2. If in accordance with the procedures outlined in Section V, Article 16 the Discipline Committee recommends that action be taken against the Council member or members, Council shall vote on whether to take such action.***
- 3. One week's notice shall be given to the Council member or members before the Council meeting at which a vote on disciplinary action is to be taken.***
- 4. No member of Council or their proxy may vote on a Resolution concerning disciplining that member, nor may they vote on adding or removing such a Resolution from the Agenda; however, such a member or their proxy may participate in the debate on such Resolutions.***
- 5. If Council wishes to take disciplinary action without referring to the Discipline Committee, it must still give one week's notice, unless the disciplinary action is in response to conduct occurring at a meeting of Council. In the latter case, a disciplinary motion shall require a Two-thirds (2/3rds) majority.***
- 6. If the number of members named in a discipline motion is such that subtracting that number from those present at the meeting would result in a loss of quorum, then the motion shall be of no effect.***

SECTION V: COMMITTEES OF COUNCIL

Article 1. General

1. There shall be Standing and Extraordinary Committees of Council. Council may also appoint ad hoc committees.
2. The Standing Committees shall be:
 - (a) the Steering Committee;
 - (b) the Advocacy Committee;
 - (c) the Human Resources Committee;
 - (d) the Finance Committee;
 - (e) the Operations Committee;
 - (f) the Student Life Committee; ~~and~~
 - (g) the Governance Committee; ~~and~~
 - (h) ***the Discipline Committee.***

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Article 16. Discipline Committee

1. ***The Discipline Committee shall be composed of:***
 - (a) ***the Ombudsperson, who shall be Chair; and***
 - (b) ***the non-Executive Chairs of the Standing Committees.***
2. ***If the number of non-Executive Chairs is less than four (4), Council shall appoint two (2) additional non-Executive Councillors to the Committee so that the total number of seats on the Committee is at least five (5).***
3. ***Procedures***
 - (a) ***The Discipline Committee shall review discipline issues referred to it by Council in accordance with Section II, Article 22.***
 - (b) ***The Discipline Committee shall set its own procedures, but shall ensure that it hears arguments both for and against the allegations brought before it, and shall ensure that the Council member or members against whom the allegations have been made shall have an opportunity to defend themselves.***
 - (c) ***If a member of the Discipline Committee is a party against whom the allegations have been made, they shall recuse themselves and not take part in the Committee's decision-making.***

4. Disciplinary Actions

- (a) If the Disciplinary Committee decides that disciplinary action is required, it shall make a recommendation to Council for what action to take, such action to be proportionate to the offence.**
- (b) Forms of disciplinary action that the Disciplinary Committee may recommend include but are not limited to:**
 - i. Demanding a written apology.**
 - ii. Ordering training or coaching.**
 - iii. Requiring reports to Council.**
 - iv. Passing a motion of censure or reprimand.**
 - v. Removing or reassigning duties and powers.**
 - vi. Asking for a resignation.**
 - vii. Initiating procedures to remove the party from their position.**

SECTION III: MEETINGS OF COUNCIL

Article 1. Rules of Order

- ~~42. No member of Council or their proxy may vote on a Resolution concerning disciplining said member, nor may they vote on a Resolution from the floor adding such a resolution to, or removing it from, the Agenda; however, a member or their proxy may still participate in the debate on such Resolutions.~~
- ~~43. If the number of members named in the discipline motion is such that subtracting that number from those present at the meeting would result in a loss of quorum, then the motion shall be of no effect.~~
- ~~44. One week's notice is required for any disciplinary resolution unless it pertains to conduct occurring at a meeting of Council, in which case such motion shall require a Two-thirds (2/3rds) majority.~~

[and renumber]