Executive Officer Accountability and Discipline Policy

1) Objective
   a) TO strengthen and ensure the transparency and accountability of all members of the CUSA Executive.

2) Policy Statement
   a) The Terms of Reference for each Executive Officer is set out in the CUSA ByLaw and Executive Officers Terms of Reference. 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 the expectations outlined herein.
   b) Discipline is not intended to be punitive in nature, but rather is intended to correct and improve performance. CUSA wishes to ensure all members of the Executive perform their duties in compliance with all bylaws, rules, regulations, instructions, procedures, and best practices, and where executive performance falls short, reasonable opportunity for performance improvement is available.

3) Application
   a) This policy applies to all Executive Officers of the Corporation

4) Administration
   a) This policy is administered by the CUSA Board

5) Executive Officer Responsibilities
   a) Each Executive Officer is expected to be aware of and adhere to the following:
      i) CUSA ByLaws, policies, and procedures;
      ii) Applicable university Bylaws, codes, policies, and procedures;
      iii) Applicable federal, provincial, and municipal legislation and regulations;
      iv) Strict abstention from 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 any persons or groups;

v) Competent portfolio management including expectations set out in the Executive Officers Terms of Reference and job descriptions; and

vi) Any other guidelines, rules, regulations or policies as set out by the CUSA Board or CUSA Council. Any such guidelines should be communicated in writing to each Executive Officer by the President, in consultation with the Director of 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.

b) In relation to Executive Officer accountability, the President shall be responsible for the following:

i) Addressing and resolving any barriers that may get in the way of Executive Officers completing their work duties as assigned;

ii) Providing each Executive Officer with adequate training, staff, support, and equipment in order to complete their assigned duties, in conjunction with the Executive Director and the management team of the Corporation; and

iii) Notifying an Executive Officer immediately when an issue relating to the Executive Officer’s performance has been identified.

iv) Alerting the Chair of the CUSA Board immediately in the event that misconduct or other serious performance issues have been identified with an Executive Officer.

c) In relation to Executive Officer accountability, the other Executive Officers are responsible for the following:

i) Notifying the President immediately when an issue relating to the President’s performance has been identified

ii) Alerting the Chair of the CUSA Board immediately in the event that misconduct or other serious performance issues have been identified with the President.

6) Discipline Process and Procedures

a) Initiation of Disciplinary Process:

i) In the event that an Executive Officer is believed to have failed to meet their duties and responsibilities, as set out in this document or the Executive Officer Terms of Reference, a disciplinary process may be initiated.

ii) The disciplinary process shall be initiated upon receipt of a written complaint in relation to an Executive Officer’s conduct. A written complaint in relation to an Executive Officer’s conduct should be directed to the Chair of the CUSA Board of Directors.

iii) Upon receipt of a complaint, the Chair shall prepare a written outline of the complaint setting out the particulars of the Executive Officer’s
conduct. The written particulars shall be provided to the Executive Officer for response.

iv) Following the receipt of a complaint, the CUSA Board shall, by a vote requiring a simple majority, 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.

v) If the CUSA Board determines that the disciplinary process shall be initiated, the Board may direct that a Discipline Committee be established to consider the complaint setting out particulars of the Executive Officer’s conduct.

1) A Discipline Committee established by the Board may only investigate the conduct of the Executive Officer for which it was formed.

2) The creation of a Discipline Committee by the Board to investigate an Executive Officer’s conduct does not preclude the creation of another Discipline Committee to investigate the conduct of a separate Executive Officer.

vi) Following a vote of the Board to establish a Discipline Committee, the Chair of the CUSA Board shall notify the Executive Officer in question of the decision.

b) Constitution of a Discipline Committee:

i) The Discipline Committee shall be comprised of:

1) Three (3) Directors, voting

2) The President, ex-officio, voting

3) Director of Human Resources, ex-officio, non-voting

ii) In the event that the President is the subject of or a witness in the Discipline Committee’s investigation, the Vice President Finance / Secretary-Treasurer shall assume their position on the Discipline Committee

1) In the event that the Vice President Finance / Secretary-Treasurer is the subject of or witness in the Discipline Committee’s investigation, the Speaker of Council shall assume their position on the Discipline Committee

2) In the event that the Speaker of Council is unable to assume the position on the Discipline Committee, a replacement shall be named in accordance with Section 6.b)i)

iii) In the event a member of the Discipline Committee has a conflict of interest, they must recuse themselves and the remaining voting members shall name a replacement from Council, the Board, or the Executive Officers.

iv) Quorum of the Discipline Committee shall be three (3) voting members.

v) A decision or order of the Committee shall be made by way of majority vote.
(1) A recommendation of a sanction by the Committee may only be made by an affirmative vote constituting the majority of the Committee.

(2) In the event of a tied vote, no decision, order, or recommendation shall be made.

vi) The Discipline Committee shall elect from amongst itself a Chair, who shall not be either the Chair of the Board or the President.

(1) In the event that the Vice President Finance / Secretary-Treasurer has assumed the President's position on the Discipline Committee, they shall not be eligible to be elected as the Chair of the Committee.

7) **Discipline Committee’s Mandate**
   
   a) Upon receipt of the particulars of a complaint, the Disciplinary Committee shall:
      
      i) Initiate an investigation to determine whether the matter warrants any form of discipline if it is determined such an investigation is required;
      
      ii) Recommend an informal form of response as may be appropriate;
      
      iii) Discuss the matter if no further investigation or discipline is warranted; and then
      
      iv) Receive and consider the result of any investigation and determine if discipline is warranted.
   
   b) The Discipline Committee shall be permitted to engage an external investigator where required, to conduct a fact-finding investigation in relation to any alleged misconduct outlined in the particulars of a complaint at any time.

8) **Conduct of Investigation**
   
   a) Once a decision has been made to initiate an investigation, the Disciplinary Committee shall promptly notify the Executive Officer whose conduct is in question.
   
   b) The Executive Officer shall be entitled to respond to the Disciplinary Committee regarding the allegation in writing or orally.
   
   c) The Director of Human Resources may act as a resource to the Executive Officer or any parties involved in the investigation.

9) **Notice to Member and Member’s Right to Hearing**
   
   a) If, after an investigation, the Discipline Committee concludes that a form of discipline may be warranted, it shall promptly notify the Executive Officer.
   
   b) The notice shall be in writing and shall be sent to the Executive Officer’s email address on file with CUSA. 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.
   
   c) 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.
   
   d) The Executive Officer’s response to the notice may be received by the Discipline Committee within thirty (30) days of delivery of notice

10) **Hearing**
a) 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 other such submissions.

b) If the Executive Officer elects to have a hearing, the Discipline Committee shall hold a hearing as soon as is practical.

c) 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.

d) 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 them.

e) Should the Discipline Committee find disciplinary action appropriate, the Discipline Committee may then communicate a recommendation to the CUSA Board that the Executive Officer undergo such discipline as it considers just. Such recommendations of discipline may include:
   i) A reprimand; and/or
   ii) A censure; and/or
   iii) A suspension (with or without pay), lasting no longer than 10 business days; and/or
   iv) A recommendation of removal to Council; and/or
   v) Dismissal for cause

11) Disciplinary Action Against an Executive Officer

   a) Pursuant to the ByLaws of the Corporation, the Board and/or Council shall have the authority to enforce disciplinary action against an Executive Officer, up to and including removal from office, by a two-third (⅔) supermajority vote of either or both entity or entities, with or without a recommendation from the Discipline Committee.

12) Discipline Committee Considerations

   a) 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; and

   iii) Meeting with the Executive Officer whose conduct has been the subject of complaint.

   b) Considerations when determining appropriate level of discipline:

   i) Previous record of Executive Officer;

   ii) Whether or not the incident is isolated;

   iii) Whether or not the member was provoked or provoked others;

   iv) Seriousness of the offense; and

   v) Other mitigating factors (age, disability, illness, etc.)

   c) 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.