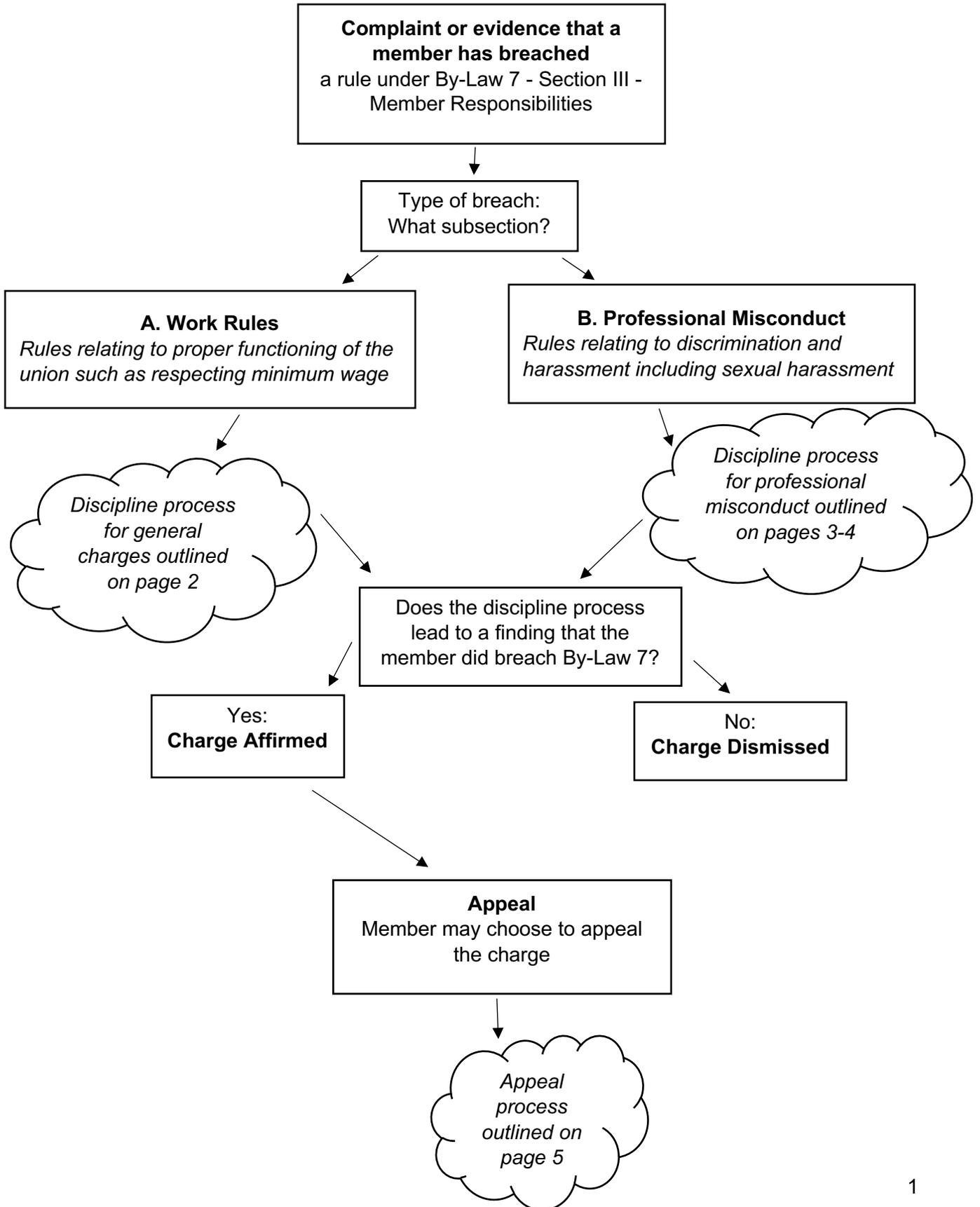


# OVERVIEW OF MEMBER DISCIPLINE PROCEDURE



## **Procedure: A. WORK RULES**

### *By-Law No. 7 - Section IV – B. General Charges: Breach of Member Responsibilities*

#### **Investigation (optional)**

- Charging Official may initiate investigation before proposing or affirming a charge if further information is required (follow procedure in *Section IV – C.8*)



#### **Notice of Proposed Charge**

- Laid at discretion of Charging Official
- Must be in writing and include:
  - a) the allegation against the member;
  - b) the relevant date and place, if known, when the alleged violation occurred;
  - c) the name of the relevant Engager/Producer (if any);
  - d) the name of the complainant, if appropriate;
  - e) the specific clause(s) of the Constitution or By-Laws alleged to have been violated;
  - f) relevant documentation or information on which the Charging Official relies, if any;
  - g) the applicable penalty/ies if the charge is upheld; and
  - h) information regarding the member discipline process, including the member's right to receive disclosure, respond to the charge(s), and appeal (as applicable).

See: Notice of Proposed Charge Template



#### **Member's Response** (*within 14 days of receiving notice of the charge*)

- Member may respond in writing, setting out (1) explanation of conduct and (2) why charge and/or penalty not warranted
- Can include relevant evidence
- See: Response Form



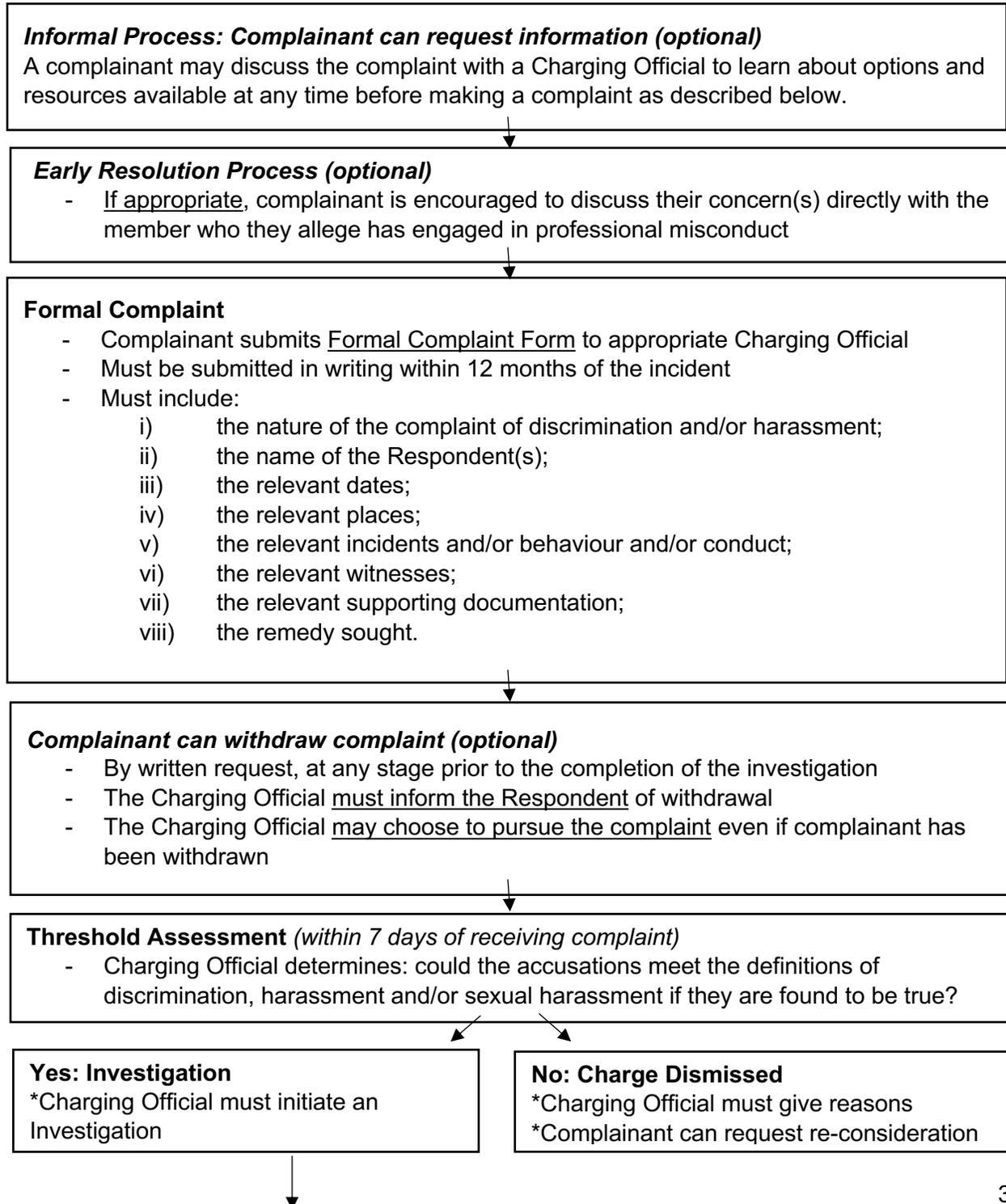
#### **Affirmation of Charge** (*within 14 working days of receiving response*)

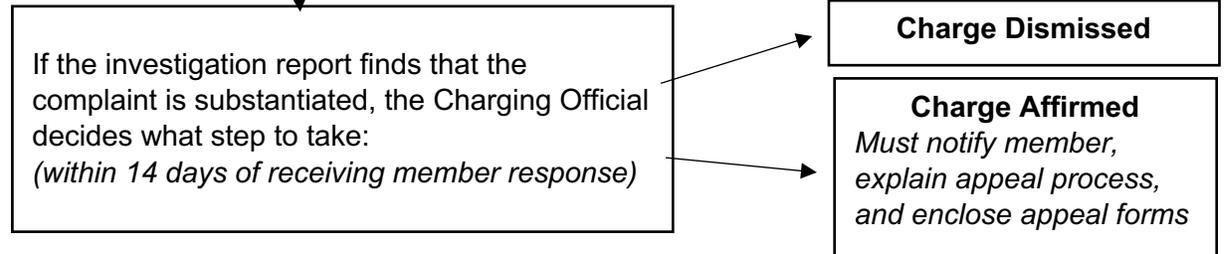
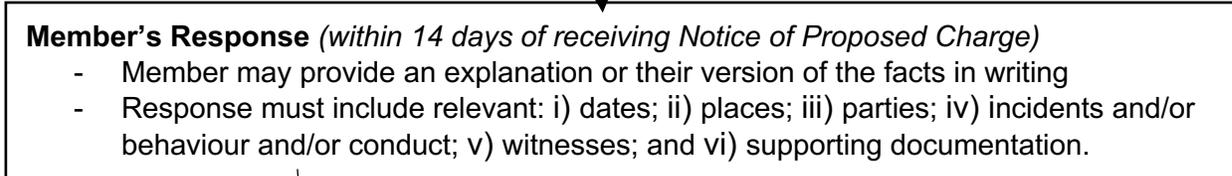
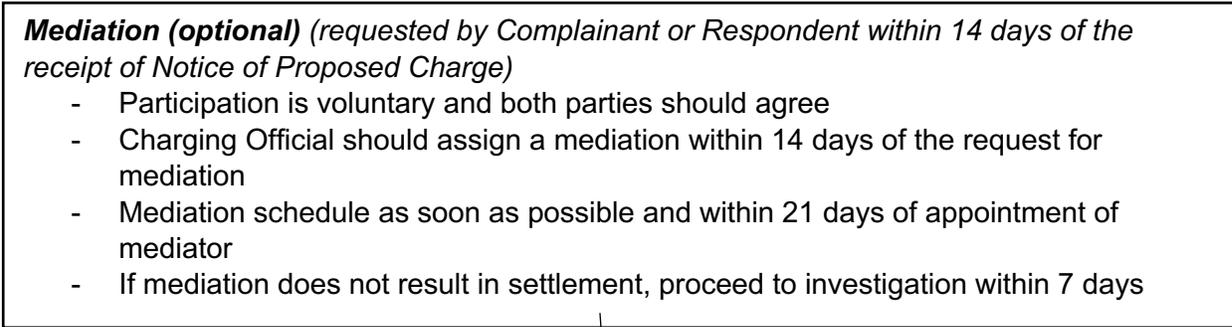
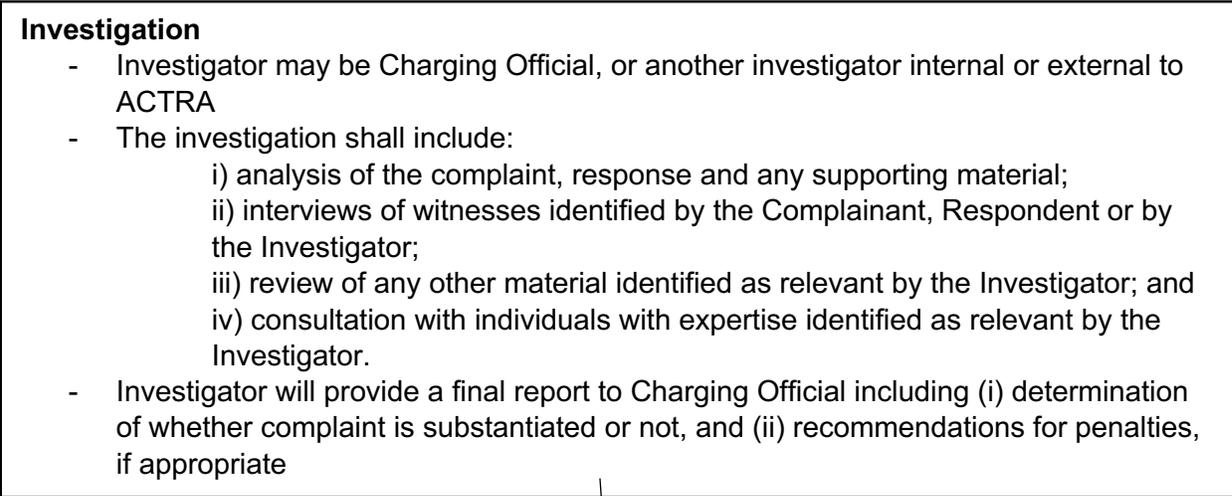
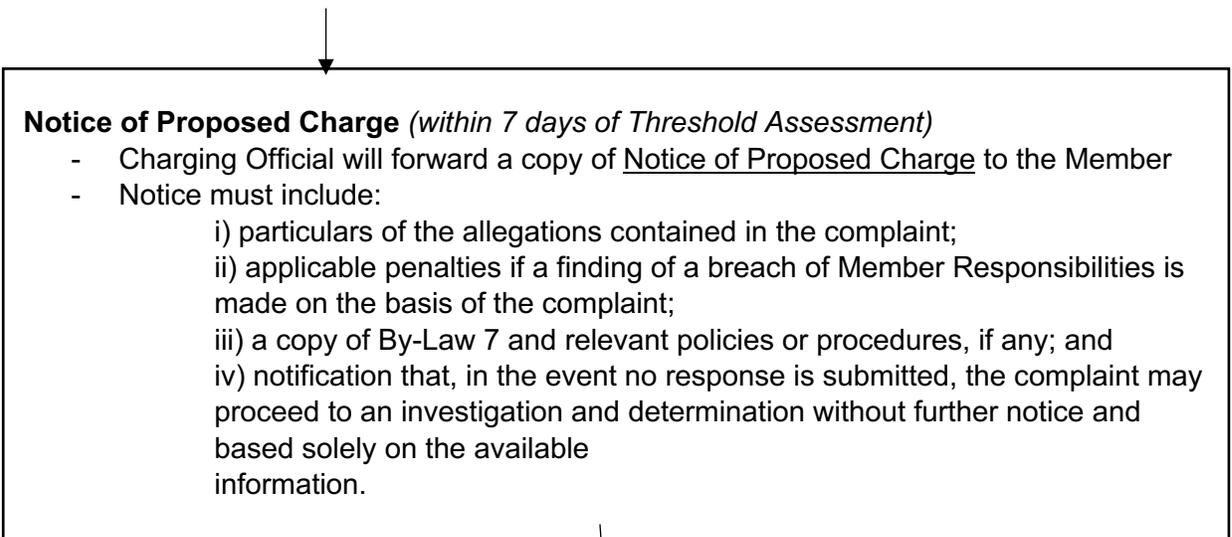
- Charging Official's written decision on whether to affirm or dismiss the Proposed Charge
- Must be "based on full consideration of information before them"
- Must notify member, explain appeal process, and enclose appeal forms

**Procedure: B. PROFESSIONAL MISCONDUCT**

*By-Law No. 7- Section IV – C: Professional Misconduct: Discrimination, Harassment and/or Sexual Harassment Complaints*

See also: *By-Law No. 7 - Section I – Definitions, for the definitions of Charging Official, Discrimination, Harassment, and Sexual Harassment.*





**Procedure: APPEAL TO DISCIPLINE COMMITTEE**

**Notice of Appeal** (*within 14 days of receiving Affirmation of Charge*)

- Member's notice of appeal should include:
  - a) Reason's for the appeal;
  - b) Documents/evidence they are relying on; and
  - c) Remedy requested.
- See: Notice of Appeal (oral hearing) and Notice of Appeal (written hearing)
- If member does not appeal within the time limit, deemed to have accepted the charge

**Charging Official's Response**  
(*within 14 days of receiving Notice of Appeal*)

Was the penalty in the Affirmed Charge limited to:

- oral or written reprimand;
- education, training, counselling and/or a third party assessment to be completed within a defined period of time;
- a verbal or written apology; or
- a fine of up to \$1000,

Or did the Respondent and Charging Official agree that the appeal should be determined in writing?

Yes:

**WRITTEN HEARING**

**Discipline Committee issues written decision** (*within 14 days of receiving CO's response*)

See: Discipline Committee Decision Template

**NO** (*i.e. penalty was more serious than above*): **ORAL HEARING**

**I. Discipline Committee issues Notice of Hearing** (*within 14 days of receiving CO's response*)

- Hearing normally held within 2 months of date appeal is requested

**II. Member and Charging Official provide notice of witnesses/documents to be relied on at hearing** (*no later than 7 days before hearing*)

- Discipline committee may exclude docs/evidence not relevant to appeal

**III. Oral Hearing** (normally held within 2 months of date appeal is requested)

- All parties have right to retain legal advisors
- Charging Official presents all known facts pertaining to the charge
- Respondent presents full answer to the charge
- All parties may make argument regarding appropriate penalty

**IV. Discipline Committee issues written decision** (*within 30 days of hearing*)

- See: Discipline Committee Decision Template