Brescia University College Students’ Council

**Executive Accountability and Discipline Process**

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**EFFECTIVE:** November 2017 **SUPERSEDES:** N/A

**AUTHORITY:** Council  **RATIFIED BY:** Council as of 2017

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**RELATED DOCUMENTS: N/A** **Page 1 of 5**

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**PREAMBLE**

The BUCSC Executives greatly affect the operation of the Council; the purpose of this Policy is to set performance expectations for the Executives [including the Governance Officer], and act as a guide to positively correct any misconduct or performance issues related to their work. The objective is to ensure that all Executives are aware of their accountabilities and obligations inherent in their positions, and that they are meeting the responsibilities associated with their roles as well as to Council. This Policy in turn discusses the recourse available to the Executives and Council in the event an Executive is not meeting their obligations, including but not limited to; coaching, discipline and termination. This Policy works in conjunction with By-Law #1.

**1. APPLICATION**

**1.1** This document applies to all the Executives of the BUCSC [including the Governance Officer].

**2. DEFINITIONS**

**2.1** ‘Resignation’ is defined as the formal act of giving up or quitting one's office or position.

**2.2** ‘Removal’ is defined as the dismissal of someone from a job or office.

**3. EXECUTIVE MEMBER ACCOUNTABILITIES**

**3.1** Each Executive is expected to be aware of and adhere to the following:

1. Corporate and applicable BUC and Western by-laws, codes, policies and procedures;
2. Applicable federal, provincial, and municipal legislation and regulations;
3. Strict avoidance of any type of act that has, or might reasonably be seen to have any adverse effect on the reputation or the proper functioning of the Council or on the health, safety or rights of other persons or groups;
4. Competent portfolio management;
5. Any other guidelines, rules, regulations or policies as set out by the Executives or Council. The President, in consultation with the Governance Officer, would communicate such guidelines in writing to each Executive. Should any material changes be made to such documents that are applicable to more than one Executive, such changes will be communicated to all Executives in writing.

**4. RESPONSIBILITIES**

**4.1**  Vice President and Chief Officers:

1. All Executives have a responsibility to ensure they are conducting themselves in a professional manner at all times and adhering to their accountabilities [as listed in Article 2.0 of this Policy];
2. Executives are encouraged to discuss their workplace concerns with the President in the event they are unable to meet the expectations of the Council.

**4.2**  *The President* is responsible for the following:

1. Address and resolve any barriers that may get in the way of an Executive completing her work duties as assigned;
2. Provide each Executive with adequate training, support, and tools in order to complete their assigned duties;
3. Notify an Executive immediately once a misconduct or performance issue has been identified. Ignoring such behaviour could be perceived as condoning it;
4. Intervene and impartially investigate the circumstances surrounding any misconduct or performance issue in conjunction with the Governance Officer. An Executive must always receive an opportunity to explain their behaviour during the course of the investigation; and
5. Confer with the Governance Officer (or applicable source) prior to conducting any investigations, rendering decisions or performing counselling sessions in regard to a misconduct or performance issue of an Executive.

**4.3**  *The Vice-Presidents and Chief Officer* are responsible for the following:

1. Alerting the Governance Officer immediately in the event that a misconduct or performance issue has been identified with the President; and;
2. Nominate one voting member of the Executive Council [cannot nominate themselves], as a designate of the Executive Council, to assist the Governance Officer in conducting an impartial investigation into the circumstances surrounding the misconduct or performance issue. The designate will not participate in formulating the recommendation to be provided to the Executive Council. During an investigation, the designate must maintain the strictest level of confidence.

**5. Governance Officer**

**5.1** The role of the Governance Officer in this process is to:

1. Address and resolve any barriers, within their purview, that may get in the way of an Executive in completing their duties as assigned;
2. Provide each Executive with adequate training in order to complete their assigned duties, in conjunction with the President;
3. Conduct an impartial investigation into any situation surrounding misconduct or performance issues with the Executives;
4. Prepare a final report including recommendations to address any misconduct or performance issues and present to the Executive Council where necessary, and/or Council following the completion of a thorough investigation;
5. Assist the President in regard to conducting an impartial investigation.

**4.2** In the event the actions of the Governance Officer is in question, the following process shall be followed:

1. The President and/or Executive shall ensure appropriate measures are maintained to preserve the confidentiality of the Governance Officer;
2. An Executive shall notify the President in the event of misconduct or performance issue;
3. The President and Executive shall select an impartial member of the Executive Council as a designate of the Executive Council to act as the neutral third-party. This designate shall assist the President in conducting an impartial investigation into the circumstances surrounding the misconduct or performance issue. The designate will not participate in formulating the recommendation to be provided to the Executive Council. During an investigation, the designate must maintain the strictest level of confidence.

**5. CONFIDENTIALITY**

**5.1** All information regarding any type of work-related performance counselling will be kept strictly confidential, except to the extent in which disclosure is reasonably necessary to investigate the circumstances surrounding the situation. If the situation arises, confidential disclosure may be required to be made to the Executive Council and/or Council. Such disclosure will be made in accordance with By-Law #1. All investigation findings will be kept confidential except where provided for in this Policy.

**6. GUIDELINES FOR ADDRESSING MISCONDUCT OR WORK-RELATED PERFORMANCE ISSUES**

**6.1** In the event that it is determined that misconduct has occurred or that there is a performance issue, the Governance Officer or applicable party shall always recommend the most minimum action necessary in order to correct the behaviour.

**6.2** If the behaviour of a Vice-President or Chief Officer is identified as particularly serious, willful or unlawful, the Executive Council with a two-thirds majority or the President alone will have the option to refer the situation directly to Council;

**6.3** In the event that the situation is less serious, the following options will be available to the Executive Council to address any concerns:

1. Step One – verbal conversation, non-disciplinary; and,
2. Step Two – written statement of discipline, non-disciplinary.

**6.4** Regardless of the form of interaction, the Executive in question will be asked to sign a written statement to be placed on file. Failure by the Executive does not constitute insubordination, and the statement will still be placed in their file noting their refusal to sign.

**6.5**  The Governance Officer will attend any meeting held by the President with any Vice-President or Chief Officer to assist the President when the President is addressing employment concerns.

**7. CORRECTIVE ACTION STEPS**

**7.1** President:

1. The Executive Council will have the full authority, in consultation with the Governance Officer, to make all decisions regarding any counselling for the President;
2. The Executive Council must review the investigation and recommendations as provided by the Governance Officer and require a two-thirds (2/3) majority vote in favour of any type of counselling for the president;
3. In the event that the President receives a written statement of discipline, the Executive Council will notify the Council in a confidential session of Council;
4. Once the President has received written warning, they will meet with the Governance Officer to further review expectations, to create an action plan and ensure that all of the conditions surrounding the counselling has been fulfilled;
5. If the misconduct or performance issues persist, the issue shall be re-raised to the Governance Officer and further actions may be taken, in accordance with the BUCSC Attendance and Demerit Points Policy, including but not limited to a suspension or mandated leave of absence;
6. If the situation continues to persist and/or the President fails to adhere to the action plan, Council will then have the opportunity to impeach the individual as per By-Law #1;
7. As per the Executive Terms of Reference, in the event of the impeachment of the President, the Vice-President Student Life shall act in their stead until a permanent replacement is duly elected, as per By-Law #2.

**7.2**  Vice-Presidents and Chief Officers:

1. The Executive Council will have the full authority, in consultation with the Governance Officer, to make all decisions regarding any counselling in regards to the Vice-Presidents;
2. The Executive Council must review the investigation and recommendations as provided by the Governance Officer and require a two-thirds (2/3) majority vote in favour of any type of counselling for a Vice-President or Chief Officer;
3. In the event that a Vice-President or Chief Officer receives a written statement of discipline, the Executive Council will notify the Council in a confidential session of Council;
4. If the misconduct or performance issues persist, the issue shall be re-raised to the Governance Officer and further actions may be taken, in accordance with the BUCSC Attendance and Demerit Points Policy, including but not limited to a suspension or mandated leave of absence;
5. Should a Vice-President or Chief Officer return from a suspension, they will meet with the President and Governance Officer to further review expectations, to create an action plan and ensure that all the conditions surrounding the leave have been fulfilled;
6. If the situation continues to persist and/or the Vice-President or Chief Officer fails to adhere to the action plan, Council will then have the opportunity to remove the individual as per By-Law #1.

**7.3** Governance Officer:

1. The Executive Council will have the full authority, after a proper investigation has been performed as per section 4.02 of this Policy, to make all decisions regarding any counselling in regards to the Governance Officer;
2. The Executive Council must review the investigation and recommendations as provided by the investigation and require a two-thirds (2/3) majority vote in favour of any type of counselling for the Governance Officer;
3. In the event that the Governance Officer receives a written statement of discipline, the Executive Council will notify the Council in a confidential session of Council;
4. If the misconduct or performance issues persist, the issue shall be re-raised to the President and further actions may be taken, in accordance with the BUCSC Attendance and Demerit Points Policy, including but not limited to a suspension or mandated leave of absence;
5. Should the Governance Officer return from a suspension, they will meet with the President and previously designated Executive to further review expectations, to create an action plan and ensure that all the conditions surrounding the leave have been fulfilled;
6. If the situation continues to persist and/or the Governance Officer fails to adhere to the action plan, Council will then have the opportunity to remove the individual as per By-Law #1.

**8. PROCEDURAL AUTHORITY**

**8.1** Further Procedures necessary for the effective and efficient implementation of this policy shall be established and amended as necessary by Council:

1. The scope of such Procedures is limited to the scope of this policy:
2. In the event of any conflict, this Policy supersedes any document created under it:

Council must ratify any new Procedures and amendments to any existing Procedures before said changes take effect.