

BCWSA

DISCIPLINARY POLICY & PROCEDURES

A. INITIATION OF DISCIPLINARY PROCESS

1. The disciplinary process may be initiated upon receipt of a complaint relating to a member's conduct, or upon staff's own initiative.
2. Staff shall prepare written particulars of each complaint, or, if proceeding on their own initiative, particulars of the member's conduct.
3. The written particulars shall be provided to the Executive director or designated senior staff person in consultation with the President, who will cause a Discipline Committee to be formed.

B. MAKEUP OF DISCIPLINE COMMITTEE

4. The Discipline Committee will have four members, one of whom must be a senior staff member and one of who must be a Board member.
5. (a) The Quorum of the Discipline Committee will be 3 or 4 members.
(b) A decision or order of the Committee will be made by majority vote.

C. DISCIPLINE COMMITTEE'S MANDATE

6. Upon receipt of the particulars of a complaint of a member's misconduct, the Discipline Committee shall:
 - (a) determine whether further investigation is required;
 - (b) determine whether the matter warrants any form of discipline;
 - (c) dismiss the matter if no further investigation or discipline is warranted.

D. NOTICE TO MEMBER AND MEMBER'S RIGHT TO HEARING

7. (a) If, after investigation, the Discipline committee concludes a form of discipline may be warranted, it shall notify the member whose conduct is in question as soon as possible of all allegations against him.
(b) This notice shall be in writing, and sent to the member by courier.

(d) The notice shall inform the member that he may respond to the allegations by making written submissions, or by asking for a hearing before the Discipline Committee.

8. The member must respond to the said notice within 30 days of delivery, otherwise the Discipline Committee can take whatever action it deems fit without further notice to the member.

E. HEARING

9. If the member elects to respond by mailing written submissions, the Discipline Committee may set a reasonable time for the member to deliver the written submissions to the Committee.

10. If the member elects to have a hearing, the Discipline Committee shall hold the hearing as soon as practicable.

11. The Discipline Committee may call the witnesses if sees fit, take the evidence of witnesses on oath, and cross-examine all witnesses including the member.

12. The Discipline Committee is not bound to follow the laws of evidence as contained in the laws of British Columbia, but can hear any form of evidence it considers just.

13. Upon receiving all the evidence, and hearing the submissions of the member, the Committee shall determine whether the member committed any misconduct.

14. If the Committee determines that the member is guilty of misconduct, the member will have the opportunity to make submissions as to the nature and extent of the disciplinary action to be taken against him or her.

15. (a) The Discipline Committee may then order that the member undergo such discipline as it thinks just.

Such discipline may include: (i) a reprimand
(ii) suspension from the BCWSA
(iii) revocation of membership

16. If revocation of membership is ordered, the Committee must recommend revocation and institute a vote of the membership in accordance with the provisions of the BCWSA Constitution.

F. APPEAL

17. The member may appeal the order of the Discipline Committee by delivering a written notice of his or her intention to appeal to the BCWSA office within 14 days of the date the order was pronounced.

18. All appeals will be to the Executive Committee.
19. The member may appear at a hearing before the Executive Committee or make written submissions.
20. The Executive Committee may overturn, uphold or modify the order of the Discipline Committee.
21. All decisions of the Executive Committee are final and no further appeal may be made.

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DISCIPLINARY COMMITTEE CHECKLIST

Committee Make-up:

- Senior staff member to select Discipline Committee members
- Committee members should be unbiased and be able to look at the broad picture of the Association
- Ensure not all Executive Committee members make up the Disciplinary Committee
- The Committee performs an investigative function as well as a judicial function

Process:

- Upon receiving a complaint the Committee shall investigate the conduct of the member involved. The investigation will include:
 - locating witnesses
 - interviewing witnesses
 - making your own direct observations
 - making notes of telephone conversations and other conversations relating to the incident
- Consider involvement if civil or criminal courts are involved.
- Follow up if and when courts are no longer involved.
- Look in files held in office to gather appropriate historical information.

Consideration when determining appropriate discipline

- Previous record of member
- Whether or not the incident is isolated
- Was the member provoked
- Seriousness of offence
- Other mitigating factors (age, pre-meditation, etc.)