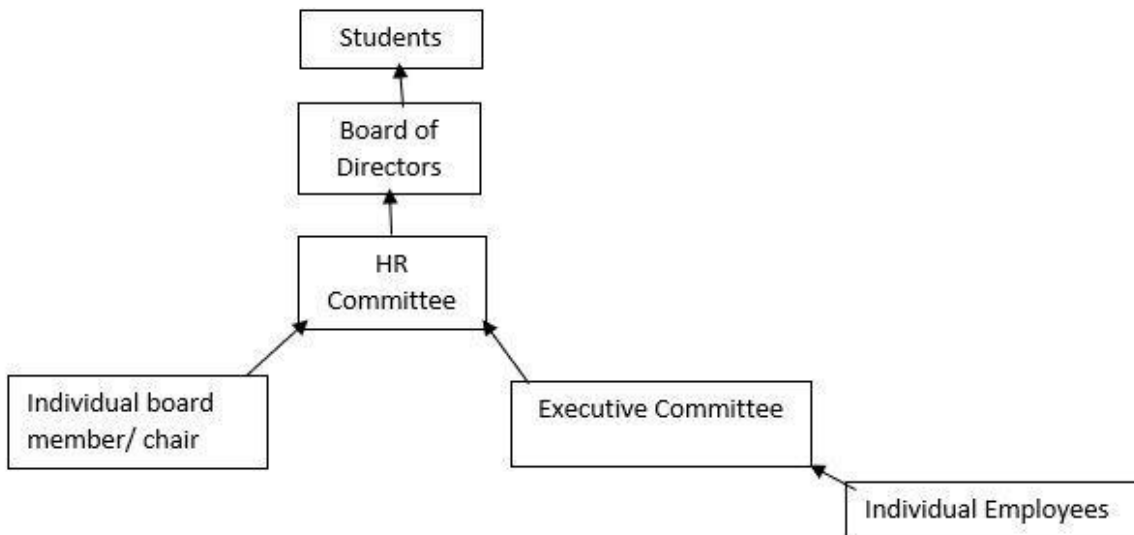




<b><i>Policy</i></b>
Created: 2011
Last Revised or Reviewed: August 2021

### 13. Policy 13: Discipline

#### 13.1. Preamble



13.1.1. TDSA is committed to the practices of restorative justice and people-focused solutions. In all its efforts, the TDSA will place the mental health of its members in high regard and priority and will seek to meaningfully correct instances of unacceptable job performance, absenteeism, unprofessional actions, unprofessional activities or other employee related actions or problems.

#### 13.2. Reporting

13.2.1. The reporting structure shall be as follows:

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- 13.2.2. If for whatever reason the immediate report is an interested party or unavailable, complaints may be sent to the next highest available party in the structure.

### **13.3. Powers**

- 13.3.1. All entities will have the power to issue verbal or written warnings to those whom report to them.
- 13.3.2. The board, subject to a 2/3<sup>rd</sup>s vote, may terminate or impose what sanctions or requirements they see fit on any elected official or full time staff provided said action is consistent with the law.
- 13.3.3. The executive committee, subject to a majority vote, may remove or impose what sanctions or requirements they see fit to student employees provided said action is consistent with the law.

### **13.4. HR Committee**

- 13.4.1. The HR 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.

### **13.5. Steps:**

- 13.5.1. The following steps are advised, but depending on the severity of the incident may be circumvented:
- Informal conversation with corrective steps
  - A verbal warning
  - A written warning
  - Suspension or possible termination

### **13.6. Termination**

- 13.6.1. Termination of employment is warranted for serious misconduct. Serious misconduct includes, but is not limited to,
- theft,
  - violence,
  - fraud,
  - misrepresentation regarding credentials and/or previous employment experience,
  - bodily risk to persons,
  - intimidating or belittling others,
  - deliberate or consistent harrassment and/or discrimination,
  - and/or actions that severely damage Trent Durham Student Association's reputation.

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- 13.6.2. All disciplinary actions must follow employment standards act guidelines and adhere to all other relevant legislation
  - 13.6.3. Termination of the Executive Director is subject 2/3-majority vote by the board and strict adherence to the employment standards act.
- 13.7. Communications
- 13.7.1. All warnings, sanctions and terminations must be communicated to either the board of directors or the Human Resources committee
  - 13.7.2. The chair of the human resources committee shall make every reasonable effort to keep all parties informed of progress of the investigation up to and including emails every 72 hours to make sure those involved are kept informed and to allow the parties to be directed to any mental health resources should they be needed.
- 13.8. Human Resources Committee Procedure
- 13.8.1. A board director shall act as the Chair of the HR Committee. If the Chair is an interested party, their duties shall pass down to the Chair of the Board of Directors, the President, the Vice President of University Affairs then the Vice President of Campus Life. The Chair of the HR Committee is then responsible for forming the committee.
- 13.9. Conflict of interest
- 13.9.1. If one of the members of the HR Committee has submitted, is cited in, or the subject of, the complaint in question they shall be considered an interested party and shall be relieved of their duties on said committee by the Chair for the duration of the proceedings.
  - 13.9.2. If there is an interested party on the HR Committee, the committee shall replace said party with a disinterested Board Member or member of the corporation.
- 13.10. Upon the receipt of a complaint the Chair of the HR committee shall:
- 13.10.1. Immediately contact the HR committee and establish a meeting at the earliest time a majority can attend and notify the Executive Director that a meeting has been called.
    - 13.10.1.1. In that first meeting the committee will establish:
      - 13.10.1.1.1. if an investigation is warranted; if not, see *No investigation* below;
      - 13.10.1.1.2. if any parties involved need to be placed on paid leave of absence without access to corporate emails or documents for the best interest of the corporation;
      - 13.10.1.1.3. ensure a summary of the report which is conscientious of anonymity and safety is distributed to the HR committee and those mentioned in the complaint;

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- 13.10.1.1.4. ensure the process is completed with the utmost care and consideration of the mental health of all individuals involved to every reasonable extent;
    - 13.10.1.1.5. determine whether legal or law enforcement consultation is required.
  - 13.10.2. No Investigation
    - 13.10.2.1. If no investigation is required, the committee should refer the matter to the Executive Director or other party for mediation or conflict resolution.
  - 13.10.3. CONDUCT OF INVESTIGATION
    - 13.10.3.1. Once a decision has been made to initiate an investigation, the HR Committee shall promptly notify the party whose conduct is in question.
    - 13.10.3.2. The party shall be entitled to respond to the allegation in writing or orally.
    - 13.10.3.3. Trent University employees including, but not limited to Student Services Manager and Student Life Coordinator may act as a resource to any parties involved in the investigation
  - 13.10.4. The Human Resources Committee may consult with a lawyer or law enforcement in the process. It is particularly recommended if allegations are serious.
- 13.11. HR Committee Considerations
  - 13.11.1. Upon determining the necessity of an investigation, the HR Committee should investigate the conduct of the member in question such investigation should include:
    - 13.11.1.1. Determining and meeting with witnesses if relevant;
    - 13.11.1.2. Meeting with the party whose conduct has been the subject of complaint.
  - 13.11.2. Considerations when determining appropriate level of discipline:
    - 13.11.2.1. Previous record of party,
    - 13.11.2.2. Whether or not the incident is isolated;
    - 13.11.2.3. Whether or not the member was provoked;
    - 13.11.2.4. Seriousness of the offense; and
    - 13.11.2.5. Other mitigating factors (age, disability, illness, etc.).
  - 13.11.3. Other considerations:
    - 13.11.3.1. To the extent possible all investigations shall be kept confidential.

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- 13.12. The final decision reached by the HR Committee must be presented to the parties affected within 48 hours of the decision being made unless a recommendation that requires the Board is determined.
  
- 13.13. Appeals of HR Committee Decisions
  - 13.13.1. Should a party wish to appeal a complaint, they may do so within 10 calendar days of the decision to the Board. Should they at that point still wish to appeal they must submit a written report to a disinterested board of director within 10 days of the decision.
  
- 13.14. In the event any member of the corporation believes an Executive is inadequately fulfilling the duties outlined in the job descriptions, a member of the corporation may submit a written report to the board of directors for review. Further details of Executive termination are outlined in TDSA Bylaw VII. The Board of Directors shall decide all appropriate forms of disciplinary action, subject to 2/3-majority vote.