

# Procedures for Suspension and/or Removal of Executive and other Committee Members

Recommended by the Governance Committee: 12 October 2016

Approved by the Executive Committee: November 3<sup>rd</sup> 2016

References: Articles 7, 10.4, 11.4 of the Constitution

## Executive Committee member suspension

In accordance with and not limiting Article 7.1, the Executive Committee may suspend one of its members for due cause for the purposes of:

- 1) Preventing continuing contravention of the Constitution, Bylaws, policies, procedures or legal obligations that may cause harm to the Association or its Members; and/or
- 2) To allow time for an investigation of alleged contraventions.

This suspension can be removed by motion by the Executive Committee, by the resignation from the Executive Committee by that member or by a failed vote by the Executive Council in accordance with Article 7.2 and the procedures below.

The Executive Committee may appoint an acting member to the suspended position until the conclusion of this procedure.

## Investigation of an Executive Committee member

Upon receiving a written statement of allegations or by a vote of the Executive Committee of wrongdoing against an Executive Committee member, the president may

- 1) Invite the member to an Executive Committee meeting to discuss the allegations and/or reasons for considering or enacting such a suspension; or
- 2) Establish an ad-hoc committee of three association members to investigate the allegations.

If 1) above is followed, the Executive will determine whether sufficient evidence of the allegation has been obtained and shall decide either

- 1) To end this procedure and any suspension in place;
- 2) To recommend that the Executive Council vote to remove the member; or
- 3) That an ad-hoc investigative committee be formed.

If the member was not already suspended, the Executive Committee may also suspend the member at any point in the investigation or process.

If formed, the members of the investigation committee shall be chosen based on the following preference:

- 1) From the Association's Faculty Representatives

- 2) If not enough faculty representatives are available, any other member of the association who is not a member of the executive committee can be selected

The members of the investigation committee must declare any conflict of interest and shall investigate the allegations in a fair, confidential and unbiased manner and shall normally invite the member to respond to the allegations.

An investigation will normally take up to 30 days. Within 30 days of the initiation of the investigation, the investigation committee must present its findings to the Executive Council with one of the following recommendations:

- 1) To end the suspension and return the member to his or her position on the Executive Committee;
- 2) To remove the member from the executive committee; or
- 3) To request a 30-day extension to the investigation, during which the member remains suspended. This extension can only be requested once.

## Removal from the Executive Committee

The member subject to removal shall have the right to present and rebut evidence to the Executive Council and to defend himself or herself against the allegations.

The Executive Council will normally have 30 days to review the evidence, request additional information, meet and deliberate.

If a motion, by a 2/3 majority in accordance with Article 7.2, to remove is approved by the Executive Council, the decision to remove must be placed before the membership for acceptance or rejection by a majority vote at a Special Members' Meeting held within 30 days after the approval by the executive council. The member will remain suspended during this period.

## Resignation during these Procedures

Should the Executive Committee member under suspension and/or investigation resign from his or her position on the Executive Committee, this will be accepted by the President and any investigation will immediately cease. Furthermore, except in the event of potential criminal wrongdoing, all copies of evidence will be destroyed except for one copy which will remain sealed for a period of three years, then destroyed unless the Association legal counsel has advised otherwise and the Executive Committee has accepted this advice.

## Removal of Standing and Ad-Hoc Committee Members

Committee members are expected to perform their duties in good faith and can be removed for the reasons in Article 7.1.

Prior to ratification by the membership in accordance with Article 10.4, a member may be removed from a standing or ad-hoc committee by majority vote of the Executive Committee. Such a removal can be appealed within 30 days to the Executive Council, who shall then meet within 21 days to hear and decide upon the suspension by majority vote.

Following ratification by the membership in accordance with Article 10.4, a member may be removed from a committee only by a 2/3 majority vote of the Executive Council. The removal can be appealed within 30 days by requesting a Special Membership Meeting in accordance with Article 11.4 to hear and decide upon the suspension by majority vote.