

## **DISPUTE RESOLUTION AND DISCIPLINE POLICY**

### **Preamble**

The Institute recognizes that disputes between members and matters which could require corrective measures, including discipline, may arise from time to time. This policy shall apply to:

1. The resolution of disputes between members; and
2. The imposition of corrective measures, including discipline where necessary

### **Effective Date**

This policy is effective as of January 1, 2019.

### **Policy Objective**

1. To provide a framework for the resolution of disputes within the Institute, with a primary focus on the promotion and use of informal dispute resolution methods.
2. To provide a framework for dealing with potential misconduct warranting discipline.

## **PART A – INFORMAL DISPUTE RESOLUTION**

The Institute will promote the resolution of disputes through dialogue, cooperation, respect and understanding. The parties to such disputes will be encouraged to resolve their differences through informal means. The Institute will consider all requests for assistance in resolving disputes and conflicts between members. This includes, but is not limited to informal intervention, coaching, mediation, facilitated discussion and other.

Members are strongly encouraged to attempt to resolve differences through collaborative, cooperative means instead of using adversary methods of filing formal complaints. No formal allegation of misconduct need be filed in order for members to seek assistance with conflict resolution.

Where appropriate, a formal investigation process may be put on hold to allow the parties to seek an informal resolution to their dispute.

## **PART B – MEMBER CONDUCT ROSTER**

A Member Conduct Roster (“Roster”) consisting of twelve (12) members shall be established by the Board of Directors on a triennial basis. The Board of Directors, in establishing the Roster, shall consider primarily the skills and competencies of the

candidates, and, where possible, attempt to find some balance across regions and groups.

(BOD June 2017)

On a triennial basis, the General Counsel shall solicit applications by interested candidates from the membership and assist the Board of Directors in establishing the Roster. Where vacancies occur in mid-term, efforts shall be made by the Board of Directors to fill vacancies without undue delay.

Any Regular or Retired member is eligible to form part of the Roster, so long as they do not concurrently hold office as a member of the Board of Directors, or a President or Vice-President of a constituent body.

Submissions of interest shall be communicated to the Office of the General Counsel, who shall propose qualified candidates to the Board of Directors.

### **PART C – PANEL OF PEERS**

The Roster shall be used to establish designated Panels of Peers, consisting of three (3) members, as required, to determine appropriate corrective measures. The General Counsel shall be responsible for designating each Panel, in such a manner as to ensure an unbiased consideration of each case.

The Panel of Peers shall make decisions that are not arbitrary, discriminatory or in bad faith.

The Office of the General Counsel shall assist and advise each Panel. Where an appeal is filed under Part E, the General Counsel or its delegate shall advocate on behalf of the Institute.

### **PART D – ALLEGATIONS OF MISCONDUCT**

Except as set out in Part G, formal allegations of misconduct warranting discipline as set out in Bylaw 24 must be submitted in writing to the Office of the General Counsel, clearly stating the allegation(s). Where the General Counsel determines the complaint to be frivolous, vexatious or without merit, the General Counsel may dismiss the complaint summarily. Allegations relating to events having occurred more than 2 years prior to the allegations being made will generally be dismissed summarily.

In all other cases, the General Counsel shall determine, in consultation with the President: a) the most appropriate course of action given all the circumstances; and b) the composition of the designated Panel of Peers, where required.

In some cases, the appropriate course of action may be limited to some form of alternate dispute resolution. If a matter is resolved through alternate dispute resolution, there shall not generally be a requirement to designate a Panel of Peers.

In any case, the designated Panel of Peers may determine that corrective measures, short of suspension and expulsion from office(s) or membership, should apply.

Members of the Board of Directors shall not act as representatives of any Institute member in relation to any matter at any stage of the process

(BOD March 2017)

No member shall be suspended or expelled from office or membership unless an investigation has been conducted.

Where an investigation is warranted, the investigator will submit a preliminary report to the General Counsel. A copy of the investigator's preliminary report will be provided to all complainants and respondents, who will be given an opportunity to comment in writing on the investigator's report.

The General Counsel shall provide the investigator's final report, along with any written submissions of the parties, to the Panel of Peers for consideration.

The parties to these matters shall be informed in writing of the decision of the designated Panel of Peers, except that only the person(s) being disciplined shall be informed as to the corrective measure.

## **PART E – APPEALS**

Within fourteen (14) days of receipt of any decision of the designated Panel of Peers imposing suspension or expulsion from office or membership, the disciplined member(s) may appeal by written submission to the Chief Operating Officer and Executive Secretary. Such submissions shall be limited to no more than five (5) pages double-spaced.

Upon receipt of appeal submissions, the Chief Operating Officer and Executive Secretary shall mandate a third-party neutral to dispose of the appeal as expeditiously as possible. The third-party shall be selected from a standing list of neutrals established and administered by the Office of the COO. The Institute will bear the costs of retaining the third-party neutral.

The third-party neutral will establish the process to be followed in each case, while ensuring procedural fairness and a review of the facts and all arguments made by the parties. For example, the third-party neutral may elect to determine the appeal on the basis of written submissions, hear arguments or testimony via tele/video-conference, or hear viva voce testimony.

The Institute will not be responsible for costs incurred by a member in relation to such appeal.

#### **PART F –SUSPENSION OR EXPULSION FROM OFFICE OR MEMBERSHIP OF MEMBERS OF THE BOARD OF DIRECTORS**

In cases where the Panel of Peers determines that suspension or expulsion from office or membership is an appropriate corrective measure to be imposed upon a member of the Board of Directors, except for the President and Vice-Presidents who are governed by Part G of this Policy, such decision shall be subject to appeal pursuant to Part E.

(BOD July 2018)

If, at appeal, it is determined that suspension or expulsion from office or membership is appropriate, the Board of Directors shall immediately be informed and shall, at its next regular meeting, resolve to call a Special General Meeting for the purpose of considering the proposed suspension or expulsion from office or membership.

If no appeal is sought, the General Counsel shall inform the Board of Directors of the decision of the Panel of Peers. The Board of Directors shall, at its next regular meeting, resolve to call a Special General Meeting for the purpose of considering the proposed suspension or expulsion from office or membership.

Suspension or expulsion from office or membership of a member of the Board of Directors may only occur by ordinary resolution at a Special General Meeting.

#### **PART G – ALLEGATIONS OF MISCONDUCT - PRESIDENT OR VICE-PRESIDENTS**

In cases where the President or Vice-Presidents are subject to disciplinary measures pursuant to the Policy on President and Vice-Presidents, such decision shall be subject to appeal pursuant to Part E.

If, at appeal, it is determined that removal of the President or Vice-President from the Board of Directors is appropriate, the Board of Directors shall immediately be informed and shall, at its next regular meeting, resolve to call a Special General Meeting for the purpose of considering the proposed removal from office.

Where the disciplinary measure is removal from the Board of Directors and no appeal is sought, the Board of Directors shall, at its next regular meeting, resolve to call a Special General Meeting for the purpose of considering the proposed removal.

Removal as a member of the Board of Directors may only occur by ordinary resolution at a Special General Meeting.

(BOD July 2018)