

**PROPOSED BYLAW AMENDMENT #5**  
**ANNUAL GENERAL MEETING**  
**NOVEMBER 27, 2021**

Discipline

**Moved by: Brian McShane**  
**Seconded by: Phil Carlson**

**Rationale:**

Include probationary members to category, as per NFP act and to change language to match that of the SOPP.

**CURRENT ARTICLE 12**

**ARTICLE 12, DISCIPLINE**

**12.01 REASONS FOR DISCIPLINE**

Any Member may be subject to discipline for:

- 1) Inactivity where exhibited by insufficient interest or no apparent desire to continue participation;
- 2) breach of any published rule of the Auxiliary including but not limited to the Articles, this By-Law, the regulations of the Auxiliary or the SOPP;
- 3) conduct which brings discredit to, or is considered detrimental to the character and interests of, the Auxiliary, the CCG, or the Government of Canada;
- 4) failure to comply with statutory legislation and the regulations pursuant thereof; or,
- 5) conviction of a criminal offence or commission of an offence which, in the opinion of the Board of Directors, is serious enough to warrant discipline.

The Board may discipline any Member for the reasons outlined above. The President or Vice-President may call a meeting of the Board to deal with any matters relevant to discipline that may occur.

**12.02 DISCIPLINE PROCEDURE**

If the Executive Management Committee determines that a Member should be disciplined, the President, or such other officer as may be designated by the Board, shall provide thirty (30) days notice of such discipline to the Member and shall provide reasons for the proposed discipline. The Member may make written submissions to the President, or such other officer as

may be designated by the Board, in response to the notice received within such thirty (30) day period.

If no written submissions are received by the President, or such other officer as may be designated by the Board, the Board may proceed to discipline the Member and to notify the Member of the decision made by the Board. If written submissions are received in accordance with this section, the Board must consider such submissions in arriving at a final decision and shall notify the Member concerning such final decision within a further thirty (30) days from the date of receipt of the submissions. The final decision shall also be communicated to the relevant Unit Leader.

A two-thirds (2/3) majority vote of the Board is required to discipline a Member.

The Board has the right to delegate its discipline powers.

The regulations of the Auxiliary and the SOPP provide further detail with respect to a member's right to make written submissions.

### 12.03 IMPLICATIONS OF DISCIPLINE

Members while under suspension will be considered as not in good standing, are not eligible to participate in Auxiliary activities and any and all rights and privileges are also suspended.

### 12.04 TYPES OF DISCIPLINE

If the Board finds that a Member has committed an act of misconduct or otherwise breached the provisions of Article 12.01, the Board may do one or more of the following:

- (a) revoke the Member's membership in the Auxiliary;
- (b) suspend the Member's membership in the Auxiliary for a specified period of time;
- (c) impose specified terms, conditions and limitations on the Member's membership for a specified or indefinite period of time;
- (d) require the Member to appear before the Board to be cautioned or send a letter of caution to the Member;
- (e) require the Member to appear before the Board to be reprimanded or send a letter of reprimand to the Member; or,
- (f) impose such other penalty that the Board in its discretion considers appropriate

The Board may specify criteria to be satisfied for the removal of suspension or removal of terms, conditions and limitations imposed on a Member's membership or for reinstatement of membership.

Any Member who has been expelled shall be forever thereafter ineligible to be re-admitted as a Member of the Auxiliary and shall be required to surrender his or her identity card and return all CCG/ Auxiliary equipment and material in his or her possession.

The Board has the right to issue SOPP for the efficient and effective administration of the discipline process which shall be confirmed at the next Annual General Meeting of the Auxiliary.

#### 12.05 IMMEDIATE SUSPENSION

Where the Board has reason to believe that a Member's misconduct or incompetence exposes or is likely to expose members of the public or other Members of the Auxiliary to physical harm or injury, the Board may make an interim order suspending the right of the Member to engage in the activities of the Auxiliary. Where the Board makes an interim order, the Board shall inform the person affected forthwith and give reasons for the interim order and the facts upon which the interim order is based and provide the Member affected with five (5) days to make a written submission to the Board with reasons why the interim order should be modified or revoked. The Board shall make a decision within five (5) days of receipt of a written submission from the Member.

#### 12.06 GENERAL

All Board members and any committees established hereunder, all members of the Auxiliary and all employees, agents, or consultants of the Auxiliary having knowledge of or involved with the keeping of any records relating to, or the conduct of, any disciplinary proceeding shall maintain confidentiality except where disclosure is required in the course of carrying out their duties, by law or by this By-law, or for consultation with legal counsel.

Any request for an extension of the time periods set out herein must be made to the Executive Management Team or the Board, as applicable, at least seven days' prior to the expiration of the time period. All requests must be made in writing with reasons for the request. Time extensions may be granted at the discretion of the Executive Management Committee or the Board.

For the purposes of carrying out its duties, the Executive Management Committee, the Board and any committee established hereunder may take such action as each considers appropriate and that is not inconsistent with this By-law.

Both the Executive Management Committee and the Board may designate from among its members a panel of not less than three to carry out their duties.

The Secretary shall keep a record of all proceedings conducted by both the Executive, Management Committee or the Board, and if requested, shall furnish any party with a transcript thereof at the party's own expense.

# PROPOSED ARTICLE AMENDMENT

## ARTICLE 12, DISCIPLINE

### ARTICLE 12, DISCIPLINE

#### 12.01 GROUNDS FOR DISCIPLINE

The Board shall set a policy for discipline procedure and process, and shall establish an Ethics and Review Committee (“ERC”). The Executive Management Committee (“EMC”) and/or the Board (as applicable) shall have authority to discipline any Member for the following grounds (“Grounds for Discipline”):

- 1) Inactivity where exhibited by insufficient interest or no apparent desire to continue participation;
- 2) Breach of any rule of the Auxiliary including but not limited to the Articles, this By-Law, the membership memorandum of understanding, or the SOPP;
- 3) Conduct which brings discredit to, or is considered detrimental to the character and interests of, the Auxiliary, the CCG, or the Government of Canada;
- 4) Failure to comply with statutory legislation and the regulations pursuant thereof; or
- 5) Conviction of a criminal offence or commission of an offence which, in the opinion of the Board of Directors, is serious enough to warrant discipline.

The Board has the right to delegate its discipline powers to the EMC.

#### 12.02 DISCIPLINE PROCEDURE

A Complainant may file a complaint by completing a Complaint Submission Form and submitting the Complaint Submission Form to the Past-President or the Past-President’s delegate (the “Complaint”).

Upon review of the Complaint, after determining whether it is captured by the Grounds for Discipline, the Past-President, or the Past-President’s delegate, may:

- a) Dismiss the Complaint; or
- b) Escalate the Complaint by notifying the ERC of the Complaint. The ERC shall appoint an investigator or investigators to commence an investigation into the Complaint.

#### 12.03 INVESTIGATION

Upon review of the Complaint Submission Form, the investigator(s) may:

- a) **Immediate Suspension Where Risk to the Auxiliary or Community.** Immediately request that the Board make an interim order suspending the right of the Member to engage in the activities of the Auxiliary where the investigator(s) has/(have) reason to

believe that a Member's conduct exposes or is likely to expose members of the public or other Members of the Auxiliary to physical harm or injury. Where the Board makes an interim order, the Board shall inform the person affected forthwith and give reasons for the interim order and the facts upon which the interim order is based and provide the Member affected with five (5) days to make a written submission to the Board with reasons why the interim order should be modified or revoked. The Board shall make a decision within five (5) days of receipt of a written submission from the Member.

- b) **Mediation.** Present the option of Mediation to the Complainant and Respondent and, where both the Complainant and Respondent consent, they will work with the ERC to select a neutral mediator and schedule mediation proceedings.
- c) **Investigation.** The investigator(s) will have 14 days from the receipt of the Complaint to commence the investigation, including scheduling interviews, the collection and review of evidence and, within 7 days of receipt of the Complaint, shall send a letter to both the Complainant and the Respondent outlining the investigation process, in accordance with the SOPP, giving the Respondent 14 days from the date of receipt of the letter to make written submissions to the investigator(s) in response to the Complaint.

The investigator(s) along with the ERC will have a maximum of 3 months from the commencement of the investigation to draft a report containing the investigator's findings and recommendations, (the "**Investigator's Report**") and to submit the Investigator's Report to the EMC.

#### 12.04 THE EMC'S DECISION

- a) **The EMC's Decision Period.** Upon receipt of the Investigator's Report, the EMC, excluding the Past-President, will have 14 days (the "Decision Period") to review the Investigator's Report and make a decision regarding the Complaint and Disciplinary Action, as defined below, to be taken (if any) (the "EMC's Decision").
- b) **Action In Response to The Complaint.** The EMC may choose from the following options as it relates to possible action in response to the Complaint following the Decision Period:
  - (i) Send a letter to the ERC providing further instructions to conduct additional review or to collect further evidence;
  - (ii) Have the ERC appoint a new investigator(s) to conduct a new investigation;
  - (iii) Obtain further evidence;
  - (iv) Dismiss the Complaint; or
  - (v) Decide on Disciplinary Action.
- c) **Options for Disciplinary Action.** Where the EMC's Decision involves taking Disciplinary Action as a response to the Complaint, the EMC shall choose from the following options (the "Disciplinary Action"):
  - (i) revoke the Member's membership in the Auxiliary;

- (ii) suspend the Member's membership in the Auxiliary for a specified period of time;
  - (iii) impose specified terms, conditions and limitations on the Member's membership for a specified or indefinite period of time;
  - (iv) require the Member to appear before the EMC/Board to be cautioned or, in the alternative, send a letter of caution to the Member;
  - (v) require the Member to appear before the EMC/Board to be reprimanded or, in the alternative, send a letter of reprimand to the Member; or,
  - (vi) impose such other penalty as the EMC/Board considers appropriate in its sole discretion including but not limited to counselling and training.
- d) **Decision Letters.** Following the EMC's Decision, the EMC shall send decision letters to the Respondent, the Complainant, and the applicable Unit Leader (the "EMC Decision Letter") which shall attach the Investigator's Report.

#### 12.05 RIGHT OF APPEAL TO THE BOARD

The Complainant and Respondent shall have the right to appeal the EMC Decision to the Board in accordance with the SOPP. Any appeal of the EMC's Decision shall be limited to the following grounds:

- a) An error of fact in the EMC's Decision;
- b) New evidence that was not available during the investigation;
- c) evidence that either the investigator(s)/ERC or the EMC did not follow due process, or otherwise breached the principles of fairness and natural justice; or
- d) the Disciplinary Action chosen by the EMC (if applicable).

There are three possible outcomes which may result from an appeal of the EMC's Decision to the Board:

- a) An affirmation of the EMC's decision, in which case the EMC's decision is upheld;
- b) Order a new investigation of the Complaint; or
- c) Render a new decision and/or new Disciplinary Action if applicable.

There is no appeal from the appeal decision of the Board. The Board's appeal decision is final.

#### 12.06 GENERAL.

- a) **SOPP.** All Members shall follow the Discipline Procedure in the SOPP adopted by the Board.

- b) **Criteria associated with reinstatement of membership.** The Board may specify criteria to be satisfied for the removal of suspension or removal of terms, conditions and limitations imposed on a Member's membership or for reinstatement of membership.
- c) **Implications of a Suspension.** While suspended, whether by way of an immediate suspension or pursuant to the Discipline Procedure, Members are not considered to be in good standing with the Auxiliary and lose all rights and privileges normally exercised by Members who are in good standing. Suspended members are not eligible participate in any Auxiliary activities.
- d) **Implications of a Revocation.** Any Member whose membership in the Auxiliary has been revoked shall be forever thereafter ineligible for re-admission as a Member of the Auxiliary and shall be required to surrender their identity card and return all CCG/ Auxiliary equipment and material in their possession to the applicable Unit Leader.
- e) **Confidentiality.** All Board members and any committees established hereunder, all members of the Auxiliary and all employees, agents, or consultants of the Auxiliary having knowledge of or involved with the keeping of any records relating to, or the conduct of, any disciplinary proceeding shall maintain confidentiality except where disclosure is required in the course of carrying out their duties, by law or by this By-law, or for consultation with legal counsel.
- f) **Extensions.** Any request for an extension of the time periods set out herein must be made to the EMC or the Board, as applicable, at least 7 days' prior to the expiration of the time period, and 3 days prior to the expiration of the time period for an immediate suspension. All requests must be made in writing and must include reasons for the request. Time extensions may be granted at the discretion of the EMC or the Board, as applicable.
- g) **Authority of the Board, the EMC and their delegates.** For the purposes of carrying out its duties, the EMC, the Board and any delegate established hereunder may take such action as each considers appropriate and that is not inconsistent with this By-law.

*The Board of Directors unanimously recommended this amendment.*

- **Only Unit Leader Members vote on this amendment.**