

Draft Procedures: Code of Ethics
15 March 2010

- Definitions
 - Complainant shall mean: The Member who alleges that another Member has behaved unethically under Article 16: Code of Ethics
 - Respondent shall mean: The Member alleged to have behaved unethically under Article 16: Code of Ethics
 - Working Days shall mean: Days when Mount Royal University is ordinarily open for business, exclusive of Saturdays, Sundays, Statutory Holidays and the faculty vacation period as defined under the Collective Agreement
- Principles
 - These procedures shall be applied in support of and in the spirit of the MRFA Code of Ethics as defined in these Bylaws.
 - These procedures shall be applied in accordance with principles of natural justice and due process:
 - A respondent shall receive reasonable notice of a complaint and any subsequent proceedings.
 - A respondent shall have the right to see the evidence presented and to challenge that evidence.
 - All parties to a complaint shall be entitled to have a support person present during proceedings, such support person to be an MRFA regular member.
 - All parties to a complaint shall have access to a fair tribunal, including
 - A thorough, balanced, unbiased, non-discriminatory and deliberate evaluation of the evidence;
 - A decision based on precisely relevant information and only that information presented during the proceedings;
 - A decision that relates evidence to the Code of Ethics;
 - A right to receive detailed reasons for the decision; and
 - A right to appeal on substantive and procedural grounds.
 - In support of these principles, the Association shall arrange appropriate training for members of the Ethics Committee, and participation in such training shall be completed before Ethics Committee members may vote to decide cases.
 - Conflict of Interest
 - If the complainant or respondent is an elected or ex officio member of the Ethics Committee, that member shall not participate in nor discuss the hearing with other Committee members pending its resolution. The Executive Board shall designate a temporary replacement.

- A complainant, respondent or member of the Ethics Committee may identify a potential conflict of interest among members of the Ethics Committee, doing so in writing to the members of the Ethics Committee. The Ethics Committee shall determine how to manage a real or perceived conflict of interest. Normally simple disclosure will be adequate to allow committee members to evaluate other members' arguments with respect to the case, but the Committee and may consider placing constraints on participation in discussion or voting.
 - In an appeal to the Executive Board, a complainant, respondent or member of the Executive Board may identify a potential conflict of interest among members of the Executive Board, doing so in writing to the members of the Executive Board. The Executive Board shall determine how to manage a real or perceived conflict of interest. Normally simple disclosure will be adequate to allow committee members to evaluate other members' arguments with respect to the case, but the Executive may consider placing constraints on participation in discussion or voting.
- Complaints
 - Notice of Charges
 - The complainant shall present charges in writing to the respondent within ninety (90) working days of the alleged incident.
 - Charges shall state
 - the nature of the complaint, including Article number(s) violated;
 - the name of the respondent;
 - details of the time, date, place or medium of the alleged violation;
 - an affirmation that the charges are true and can be substantiated by documentation and/or testimony;
 - any requested remedies.
 - Either the complainant or the respondent may propose informal resolution of the complaint prior to its submission to the Ethics Committee.
 - In many instances it might be helpful or appropriate for the complainant to identify inappropriate or unwelcome behaviours directly to the respondent and request that they cease, documenting any such request.
 - The parties may agree to attempt to resolve the issue
 - between themselves,
 - using a mutually agreed facilitator (including the MRFA President or designate, Chair of Ethics or designate, or another MRFA member).

- There is no special onus on a complainant to agree to an informal resolution, and preferring to have the complaint dealt with at a consultative hearing does not in itself make a complaint frivolous or vexatious.
 - Either party to an informal resolution may ask that a written record of that resolution be prepared, and this document may be considered in any future proceedings.
 - In the event that no satisfactory resolution is achieved within three (5) working days of presentation of charges to the respondent, the complainant may present the charges in writing to the Chair of the Ethics Committee.
- Procedures
 - Role of the Ethics Committee
 - The Ethics Committee shall normally only hear first-party complaints by a complainant against a respondent, both of whom shall be members or staff of the Association. However, the Ethics Committee may determine whether to hear a third-party complaint if brought by a complainant on the basis of a significant power imbalance that may make the alleged victim vulnerable (whether as an Association member, staff member or student), where there is no identifiable victim who might bring otherwise a complaint, or where the alleged victim is not a member of the Association or otherwise ineligible to bring a complaint.
 - On receipt of a complaint, the Chair of the Ethics Committee shall request a written statement from the respondent addressing the charges, allowing five (5) working days for delivery of the statement.
 - The Ethics Committee shall meet within ten (10) working days of receipt of a complaint to review the relevant written statements.
 - The Ethics Committee shall meet individually with the complainant and respondent within fifteen (15) working days of the receipt of the complaint.
 - The Ethics Committee shall meet within five (5) working days of the initial meetings with the respondent and complainant to decide whether to proceed to a consultative hearing. If the case is not dismissed as without merit, frivolous or vexatious, the Ethics Committee shall commence a consultative hearing.
 - Where the complaint is complex or the Ethics Committee has difficulty meeting quorum, the Ethics Committee may, at its discretion, extend time limits.
 - The Consultative Hearing
 - In preparation for a consultative hearing, the Ethics Committee may seek further information from other members of the

Association, or from specific persons outside the Association. If the request and the reply are in writing, copies of the correspondence and any supporting documents shall be provided to the complainant and the respondent. If the request and reply are oral, the Ethics Committee shall make and submit a written record of the information to the complainant and respondent.

- The consultative hearing shall begin no more than fifteen (15) working days from the decision to proceed to a consultative hearing. A minimum of five (5) working days' notice shall be given to participants required to attend.
 - The complainant, respondent and members of the Ethics Committee are required to attend the hearing. At the discretion of the Ethics Committee, other Members of the Association may be required to attend.
 - The Ethics Committee may postpone the hearing if anyone is unable to attend. The hearing may proceed in the absence of the complainant or respondent at the discretion of the Committee.
 - The Chair of the Ethics Committee shall Chair the hearing. All participants will adhere to the principle of confidentiality. Language and attitude will be respectful at all times. The complainant and respondent will each be given an opportunity to make a statement, and to respond to questions asked by the Ethics Committee.
- Disposition of Cases
- The Ethics Committee may dismiss a complaint at any time after first meeting with the respondent and complainant if it deems the complaint to be without merit, frivolous or vexatious. Dismissal of charges may result in a summary decision to apply disciplinary measures against the complainant under these procedures, and such a decision is subject to appeal.
 - The Ethics Committee shall not normally hear a subsequent complaint based on the same circumstances that gave rise to an earlier complaint if the earlier charge has gone to a consultative hearing. A complainant may initiate new charges if there are facts previously unknown to the complainant at the time of the hearing, or if there is a recurrence of incidents where a previous case was found to have merit. The Ethics Committee may deem a subsequent complaint vexatious.
 - The Ethics Committee shall make one of the following decisions:
 - That the case is without merit, requiring no further action;
or
 - That the case has merit, with consequences to include one or more of the following disciplinary measures:

- Reprimand;
 - Suspension for a fixed term of Association privileges including access to all social and professional development activities and MRFA funds not governed by the Collective Agreement, with an associated finding that the member remains in good standing;
 - Suspension for a fixed term of voting privileges, the privilege to attend MRFA and committee meetings, and the privilege to hold any MRFA office or committee designation, with an associated finding that the member is not in good standing;
 - Letters to the appropriate Chair, Dean, and VP Academic describing the case and MRFA disciplinary measures;
 - Any other actions the Ethics Committee deems appropriate.
- The Ethics Committee shall submit a final report within fifteen (15) working days of the conclusion of the hearing to the complainant, respondent and Executive Board of the Association. This report shall specify the decision, the rationale, and the date or dates upon which disciplinary measures are to be applied. Any dissenting view must be included, with rationale.
- The Association shall maintain a confidential record of reports of the Ethics Committee and in the case of previous breaches of the code of ethics by the respondent, past incidents may be considered by the Ethics Committee in determining disciplinary consequences.
- Appeals
 - Appeals from a decision of the Ethics Committee may be made to the Executive Board as follows:
 - Either party to the original complaint may appeal the decision of the merits of the case or any disciplinary measures applied. Such appeal shall be made in writing and shall specify on what basis of fact and/or process the Ethics Committee is considered to have erred.
 - Notice of the appeal shall be given in writing to the other party and to the Executive Board within ten (10) working days of receipt of the final report of the Ethics Committee.
 - The Executive Board shall, upon receipt of notice of the appeal, hold a hearing within ten (10) working days.
 - Five (5) working days' written notice of the appeal hearing shall be given to the complainant, the respondent, and the Ethics committee members, all of whom shall have standing to speak to

the appeal. The presence of other participants will be at the discretion of the Executive Board.

- The Executive Board shall render its final decision within ten (10) working days of the end of the hearing of the appeal. This decision shall be final.
- Application of Disciplinary Procedures
 - No disciplinary measures assigned by Ethics Committee shall be applied until the appeal notice period has passed, and those assigned by Executive Committee shall not be applied before completion of the appeal.