
TITLE: Constitutional Affairs and Ethics Committee Charter POLICY

NUMBER: 2003-02



Committee Chair

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APPROVED BY: General Assembly

CONSTITUTIONAL AFFAIRS AND ETHICS COMMITTEE CHARTER

1. PURPOSE AND PREAMBLE

The purpose of this document is to establish the Constitutional Affairs and Ethics Committee of the Residence Society. It outlines all authorities, duties, and responsibilities of the Committee.

2. INTENDED AUDIENCE

The intended audience for this document is the Constitutional Affairs and Ethics Committee, officers and student staff of the Residence Society, external agencies and departments to whom the Residence Society is accountable.

3. COMMITTEE MANDATE

The Constitutional Affairs and Ethics Committee is responsible for

- (a) overseeing Society elections and considering appeals from electoral officer decisions;
- (b) periodically reviewing the Constitution and Bylaws and recommending changes as necessary;
- (c) hearing appeals from Presidential interpretations of the Constitution or termination decisions involving the Vice President (Residence Operations) or Vice President (Society Operations);
- (d) adjudicating administrative disputes arising from the obligations set forth in the Constitution and Bylaws of the Society;
- (e) assuring that the General Assembly is familiar with and committed to the ethics principles and programs that have been adopted by the Residence Society;
- (f) enforcing the Code of Ethics for the Executive Board; and
- (g) investigating, evaluating, and reporting on a continuing basis, the actions of the President and the General Assembly for adherence to the Constitution and Bylaws of the Society.

The Constitutional Affairs and Ethics Committee shall

- (a) report non-confidential committee actions to the General Assembly and make appropriate recommendations;
- (b) review and update the committee's Charter annually;
- (c) ensure that all Executive officers file their certifications on time in accordance with Bylaw 1.11.2 and

(d) delegate powers and responsibilities to subcommittees where appropriate.

4. POWERS AND AUTHORITY

The Constitutional Affairs and Ethics Committee has the power to

- (a) compel any Residence Society officer, staff member, or volunteer to appear before the Committee;
- (b) request, and be granted full access to, any Society office and its contents, or copies of any Residence Society papers, documents, files, or recordings which the Committee deems necessary to carry out an investigation;
- (c) impose monetary sanctions not to exceed one hundred dollars on any Residence Society officer, staff member, or volunteer for refusal to cooperate with the Committee;
- (d) remove from office the Vice President for Residence Affairs or the Vice President for Discipline for cause by two-thirds majority resolution;
- (e) make final rulings on:
 - 1. any and all matters with regard to Society elections and referenda;
 - 2. appeals from Presidential interpretations of the Constitution or Bylaws or termination decisions involving the Vice President (Finance and Operations) or Vice President (Society Activities); and
- (f) adjudicate complaints arising from the Code of Ethics for the Executive board and make recommendations for disciplinary action to the President or General Assembly.

5. MEMBERSHIP

5.01 Composition

5.01.01 The Committee will be made up of a minimum of three (3) Residence Society staff members, including at least one executive member.

5.01.02 The Chair shall for Constitutional Affairs and Ethics Committee shall be the President & CEO.

5.01.04 It is expected that any member who feels their objectivity in a matter is compromised will excuse themselves from any voting and possibly from general discussion on that matter.

5.01.05 A member missing two meetings without extenuating circumstances provides grounds for the Constitutional Affairs and Ethics Committee to ask that member to resign. Additional absences provide grounds to seek the removal of that member through the General Assembly.

5.02 Roles

5.02.01 The President is responsible for supporting and guiding the Committee.

5.02.02 One of the staff members shall be appointed Chair by the Committee or by the General Assembly.

5.02.03 In the absence of interest among committee members for the Chair role, or insufficient member participation, the President or another Residence Society Executive shall assume appointment as chair.

6. MEETINGS

6.01 Nature and Frequency

6.01.01 No meeting of the Constitutional Affairs and Ethics Committee shall be open to any Society member except by specific resolution of the committee.

6.01.02 The Committee shall hold regular meetings at least once in each of September, October, November, January, February, and March, or more often at the discretion of the Chair.

6.01.03 The Committee may meet at any time between its regular meetings to discuss matters of an urgent or serious nature. Under such circumstances, a meeting may be called by:

- (a) The Chair, or
- (b) Any two (2) members.

6.01.04 Non-regular meetings must be planned at least a week ahead of the meeting date.

6.02 Procedure

~~6.02.01~~ All meetings of the Constitutional Affairs and Ethics Committee shall be governed by written agreement formed by the committee at the first meeting of the year.

6.02.02 Three or more members shall constitute a quorum.

6.02.02 An agenda containing the items for discussion will be distributed no later than three business days prior to the meeting. The agenda is prepared and distributed by the Chair.

7. REPORTING

The Constitutional Affairs and Ethics Committee must report to the General Assembly on at least a monthly basis. Further, a confidential list of all adjudications of the committee shall be provided to the General Assembly, identifying the respondent and the final disposition in each matter.

8. ADJUDICATION PROCEDURE

This section establishes procedural guidelines for committee hearings and processing of informal charges, complaints, and grievances as required under ResSoc Bylaw 1.11.

8.01 Complaints

8.01.01 *Formal complaints.* Formal charges may be made by any person filing an original and two (2) copies of a complaint letter with the Chair of the Committee. The complaint shall contain:

- (a) The name and address of any person making charges, as well as the name and address of the person or persons against whom charges are being made;
- (b) A clear and concise description of the issues of fact and policy or code involved and the specific policy or code item which the party complained against is alleged to have violated;
- (c) A demand for a formal hearing before the committee according to the policy; and

(d) The remedy sought.

8.01.02 *Informal complaints.* Information of personal knowledge of any person, which, if true, would indicate a possible violation of a policy, may be presented to the Committee Chair. Upon receipt of such information, the Committee Chair shall, without informing the Committee of any of the particulars:

(a) Investigate the matter, which investigation may be conducted by calling the parties involved to conference, by personally investigating the matter, or by having the matter investigated by the Committee members, or any combination of these methods;

(b) Compile all relevant evidence.

8.02 Commencement of Actions.

8.02.01 *Formal complaints.* Upon receipt of a formal complaint, the Committee Chair shall proceed as per the formal procedure explained in section 8.03 of this Charter.

8.02.02 *Informal complaints.* Upon completion of the investigation provided for in section 8.01.02 of this Charter, the Committee shall evaluate the evidence developed by the investigation to determine its substantive value. Based on the decision of the Committee, the Committee Chair shall then:

(a) If the informal complaint states no actionable violation of policy or code, transmit the committee's decision to the person who filed the informal complaint, after which the complainant may proceed under section 8.01.01 of this Charter;

(b) In all other cases, proceed as per the formal procedure explained in section 8.03 of this Charter.

8.03 Service and Response

8.03.01 Upon receipt of a formal complaint, the Committee Chair shall deliver by registered email a copy of the complaint, any attachments, a copy of this Charter, and contact information for the Chair to the respondent at the address set out in the complaint.

8.03.02 Not later than ten (10) days after delivery of the complaint, as shown on a registered mail receipt, the respondent shall deliver to the Committee Chair a response admitting or denying each allegation contained in the complaint.

8.03.03 The complaint need not contain documents in support of the complaint, but copies of any documents to be used at the hearing shall be sent to the respondent within two (2) days of being received by the Committee or by the Chair.

8.03.04 If the respondent fails to file a response within the time period set out in section 8.03.02 of this Charter, the Committee Chair shall notify the respondent by registered email, that at the end of seven (7) days the Committee Chair shall proceed to deem the respondent to have confessed to the complaint, and

make recommendations to the Committee, unless good cause is shown why the respondent was late in responding.

8.03.05 Upon receipt of a response, the Committee Chair shall proceed to schedule a hearing on the complaint to be held not sooner than ten (10) days nor more than fifteen (15) days from the date of the respondent's reply.

8.03.06 The Committee Chair may delay a hearing for not more than thirty (30) days for good cause shown.

8.04 Prehearing Procedure

8.04.01 *Prehearing conferences.* At the request of either party, prehearing conferences may be conducted by the Committee Chair, who shall keep a record of any agreement as to issues, admission of facts, or stipulations. Any proposed agreement which, if accepted by the Committee, would settle all issues of the complaint shall:

- (1) Be transmitted to the Committee.
- (2) Be in writing and signed.
- (3) Not be binding upon any of the parties until accepted by the Committee.

8.05 Evidence

8.05.01 The respondent shall be afforded every opportunity to defend their self.

8.06 Prehearing Disclosure of Evidence

8.06.01 *By the board.* The complainant shall have the right to inspect the investigative file relating to a disciplinary action. The names, addresses and telephone numbers of witnesses expected to be called by the Committee shall be made available. Copies of documentary evidence may be obtained. The complainant shall also be permitted to examine any items of tangible evidence in the possession of the Committee. Nothing in this section shall be construed as giving the complainant the right to examine or copy the personal notes, observations, or conclusions of the Committee.

8.06.02 *By the complainant.* At least five (5) days prior to the scheduled hearing date the complainant shall deliver to the Committee Chair copies of any documents which the complainant intends to introduce at the hearing and a list of the names, addresses, and home and work telephone numbers of any witnesses to be presented to the hearing by the complainant. The complainant shall also produce for inspection any items of tangible evidence within his or her possession or control which he or she intends to introduce at the hearing.

8.07 The Rules of Evidence

8.07.01 The Committee shall not be bound by the technical rules of evidence. The Committee may receive any evidence which it considers to be reliable, including testimony which may be considered hearsay if presented in a court of law. Documentary evidence may be admitted in the form of copies or excerpts, and need be authenticated only to the extent that the Committee is satisfied of its genuineness and accuracy.

8.07.02 Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

8.07.03 By agreement of the parties, all or part of the evidence may be received in written form.

8.08 Conduct of Hearings.

8.08.01 Each case shall be considered by the Committee, and by two-thirds majority vote of a quorum, the Committee shall take one of the following actions:

(1) If the board finds the respondent guilty of any charge, it shall determine a disciplinary action or recommendation.

(2) The board's decision shall be issued in writing, signed by the Chair, and delivered to all parties not later than three (3) days following the board's decision.

8.08.02 The hearing shall be presided over by the Committee Chair, with the charges and evidence against the respondent presented by the complainant or his or her representative.

8.08.03 The respondent is entitled to representation, but may be compelled by the Chair to answer for him or herself.

8.08.04 The hearing shall be conducted as follows: the complainant shall present his or her evidence with opportunity for the respondent to cross-examine; the respondent shall present his or her evidence, if any, with the complainant having the right to cross-examine; complainant shall have the right of rebuttal.

8.08.05 The hearing shall be officially recorded.

8.08.06 The hearing may be postponed or adjourned for reasonable cause.

8.08.07 The subject matter of the hearing may be strictly limited to those charges set forth in the complaint. If it appears that additional subject matter should be considered, or additional charges filed, the Committee Chair shall order an adjournment for an appropriate period to provide notice of those matters or charges to be communicated to the respondent and to allow reasonable time for the respondent to prepare a defense, unless the adjournment is waived by the respondent.

8.08.08 Not later than five (5) days following the hearing, the Committee Chair shall prepare a judicious summary of the evidence introduced; the Committee's findings and decision; a basis for each finding and decision; and any reference to policy which the Committee Chair deems appropriate. In those instances in which the Committee recommends that the respondent be found guilty of the charges alleged, the Chair

shall include recommendation(s) or rulings as to the nature of disciplinary or other action(s) to be taken.

8.09 Reconsideration

8.09.01 A petition to the Committee for reconsideration shall be in writing and may be submitted at any time subsequent to the issuance of a final order of the Committee. The petition shall be a complete statement of the respondent's grounds for reconsideration. The petition shall be considered by the Committee at its next regular meeting and a decision issued within seven (7) days.

9. APPEALS

9.01 Procedure

9.01.01 No decision, except decisions to remove from office the Vice President for Residence Affairs or the Vice President for Discipline, or any decisions to impose monetary sanctions, made by the Constitutional Affairs and Ethics Committee may be appealed.

9.01.02 Appeals shall be considered by the General Assembly.

9.01.03 A notice to appeal must be presented to Constitutional Affairs and Ethics Committee and to the Speaker of the General Assembly within two days of the date when the appealed decision was made.

9. AMENDMENTS

9.01 General

Amendments to this Policy or code should be approved by the Constitutional Affairs and Ethics Committee and shall be ratified by the procedure as outlined in the Bylaws of the Society.

10. COMMENCEMENT OF POLICY

This Policy or code comes into force on the effective date noted on Page One.