

4. Protecting Your Rights – Discipline

APUO PROPOSAL – Presented to the employer on March 11, 2021

*5.2.1.6 When a recommendation to dismiss a Member pursuant to article 39 is considered by the Joint Committee or Board of Governors, the Member, an Association representative and a support person of their choice shall be invited to appear. The Member and the Association representative will have the opportunity to present the case, if she so desires, prior to the completion of the deliberations regarding the matter under consideration.

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*39.1.2.1 Any alleged behavior which may lead to disciplinary proceedings against a Member shall be properly investigated by the Member's Dean, it being understood that:

- (a) within ten (10) working days of receiving any unsolicited complaint against a Member, the Dean will communicate the complaint to her, in writing, with proper confidentiality safeguards where appropriate;
- (b) any fact-finding procedure, evaluation or request for advice in respect of an individual Member, conducted by the Dean, shall be carried out in conformance with the relevant provisions of this agreement or, where there are no relevant provisions, in a manner appropriate to the alleged cause for disciplinary proceedings;
- (c) within ten (10) working days of sending the complaint to the Member as per a) above, the Dean will notify the Member, in writing, as to the reasons for and the nature of the actions she has decided to take;
- (d) the Member whose alleged behavior has been investigated shall be informed, in writing, of the results of that investigation by her Dean within ten (10) working days of the completion of the investigation, subject to any applicable provisions of sections 39.2, 39.3 or 39.4.

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Notwithstanding that the Dean may choose to assign all or part of an investigative procedure, the Dean has ultimate responsibility in the determination made as a result of an investigation or in the subsequent imposition of discipline.

*39.2.2.6 The investigative committee sets its own procedures, which are to be as informal as possible. The Member shall be advised of any information considered by the committee, other than the documentation forwarded pursuant to 39.2.2.2 The Member, an Association representative and a support person of their choice shall be invited to appear before the committee. The Member and the Association representative will have the opportunity to present the case.

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*39.2.2.8 The investigative committee shall promptly consider the matter and recommend to the Board of Governors:

- (a) that no disciplinary action be taken against the Member; or
- (b) that a written reprimand be given to the Member; or
- (c) that the Member be suspended for a specified period; or

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(d) that the Member be dismissed.

The chair of the investigative committee shall, within fifteen (15) working days of its being established, forward the committee's recommendation and written reasons therefor to the Board of Governors, with copies to the Member, ~~the Member's Dean, and the Association~~. Where there is no recommendation supported by a majority vote, this fact shall be reported, and the ~~Provost and Vice-President Academic Affairs~~ and Provost may, in this situation, submit her own recommendation to the Board of Governors. Minority views may be attached to a recommendation supported by a majority vote.

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39.4.2 Procedures

*39.4.2.1 When she has reasonable grounds to believe that a Member of her faculty has committed an act or omission which constitutes cause for discipline, the Dean shall call the Member to a meeting ~~to be held within ten (10) working days, or such other time as agreed to by the Member and the Dean. The Dean shall inform the Member in writing of their right to be accompanied by an Association representative and a support person of their choice.~~ At this meeting:

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- (a) the Dean shall inform the Member of her concerns and the grounds therefor;
- (b) the Member shall be given an opportunity to give an explanation and clear up any misunderstandings.

The Dean may ~~also~~ be accompanied to this meeting by a person of their choice.

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*39.4.2.2 Following the meeting, the Dean may:

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- (a) decide not to pursue disciplinary proceedings; or
- (b) give the Member a written reprimand, in which case the Dean shall state her reasons therefor, and give clear written indication of the improvements expected from the Member; or
- (c) recommend in writing to the Board of Governors that the Member be suspended or dismissed, if the Member's act or omission is serious enough or if the Member, after having been disciplined, fails to correct her conduct.

The Dean shall communicate her decision in writing to the Member within ten (10) working days following the meeting held under 39.4.2.1.

A recommendation for suspension or dismissal shall state the reasons therefor, and be accompanied by all relevant documentation, it being understood that a copy of this documentation shall be sent to the Member and to the Association at the same time as the Dean's decision, with proper confidentiality safeguards where appropriate.