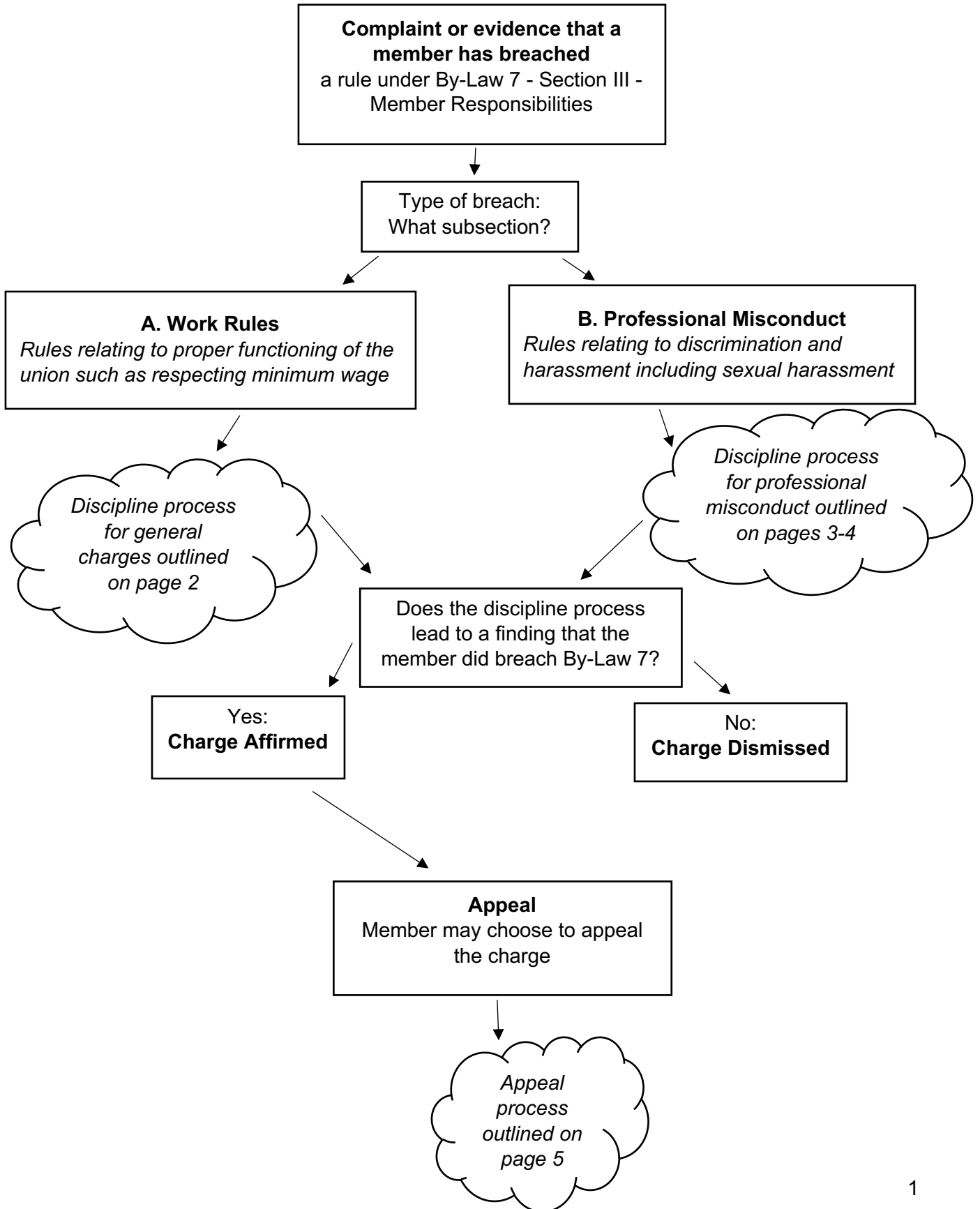


OVERVIEW OF MEMBER DISCIPLINE PROCEDURE



Procedure: A. WORK RULES

By-Law No. 7 - Section IV – B. General Charges: Breach of Member Responsibilities

Investigation (optional)

- Charging Official may initiate investigation before proposing or affirming a charge if further information is required (follow procedure in *Section IV – C.8*)



Notice of Proposed Charge

- Laid at discretion of Charging Official
- Must be in writing and include:
 - a) the allegation against the member;
 - b) the relevant date and place, if known, when the alleged violation occurred;
 - c) the name of the relevant Engager/Producer (if any);
 - d) the name of the complainant, if appropriate;
 - e) the specific clause(s) of the Constitution or By-Laws alleged to have been violated;
 - f) relevant documentation or information on which the Charging Official relies, if any;
 - g) the applicable penalty/ies if the charge is upheld; and
 - h) information regarding the member discipline process, including the member's right to receive disclosure, respond to the charge(s), and appeal (as applicable).

See: Notice of Proposed Charge Template



Member's Response (*within 14 days of receiving notice of the charge*)

- Member may respond in writing, setting out (1) explanation of conduct and (2) why charge and/or penalty not warranted
- Can include relevant evidence
- See: Response Form



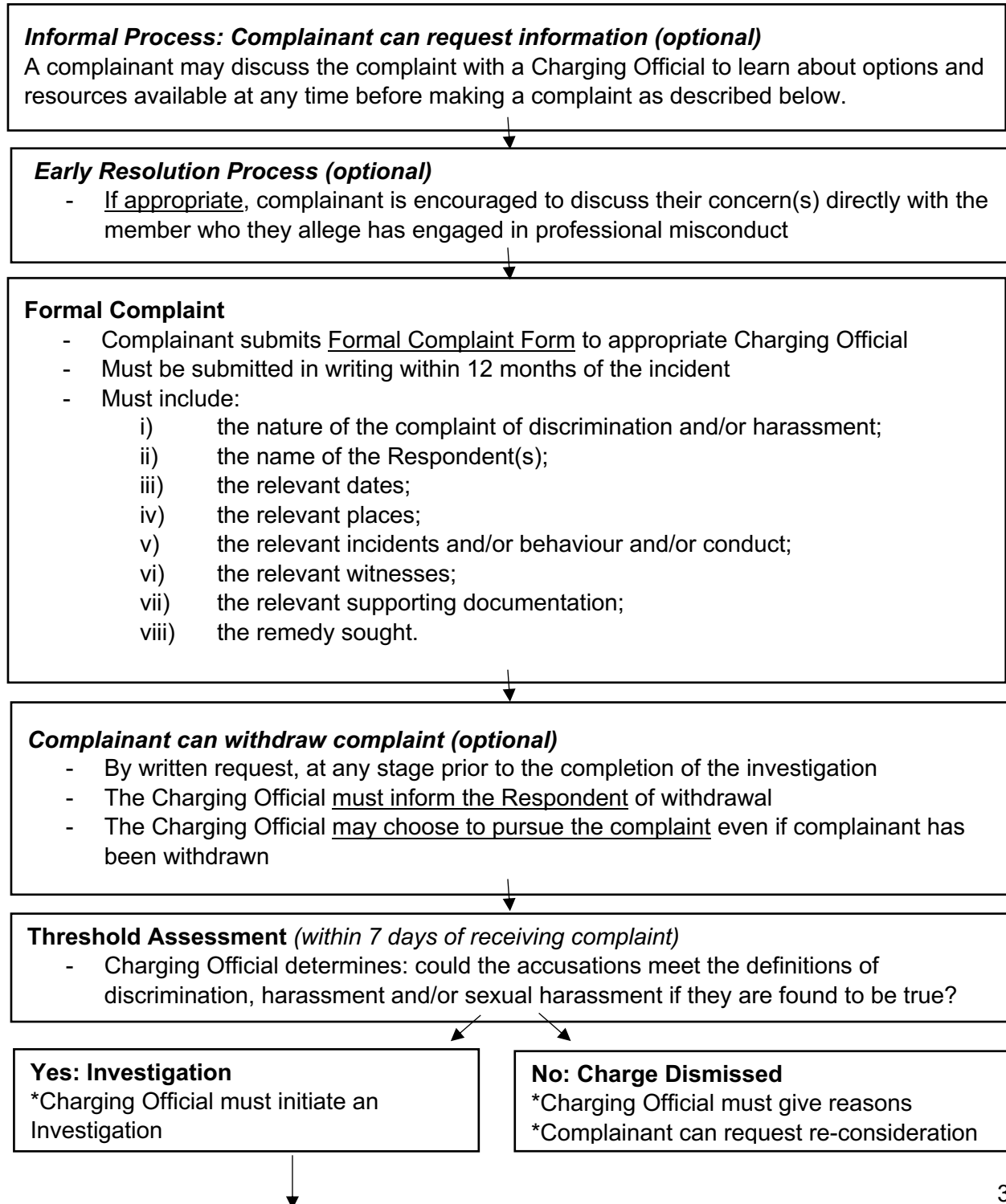
Affirmation of Charge (*within 14 working days of receiving response*)

- Charging Official's written decision on whether to affirm or dismiss the Proposed Charge
- Must be "based on full consideration of information before them"
- Must notify member, explain appeal process, and enclose appeal forms

Procedure: B. PROFESSIONAL MISCONDUCT

By-Law No. 7- Section IV – C: Professional Misconduct: Discrimination, Harassment and/or Sexual Harassment Complaints

See also: *By-Law No. 7 - Section I – Definitions, for the definitions of Charging Official, Discrimination, Harassment, and Sexual Harassment.*



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Notice of Proposed Charge (*within 7 days of Threshold Assessment*)

- Charging Official will forward a copy of Notice of Proposed Charge to the Member
- Notice must include:
 - i) particulars of the allegations contained in the complaint;
 - ii) applicable penalties if a finding of a breach of Member Responsibilities is made on the basis of the complaint;
 - iii) a copy of By-Law 7 and relevant policies or procedures, if any; and
 - iv) notification that, in the event no response is submitted, the complaint may proceed to an investigation and determination without further notice and based solely on the available information.

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Investigation

- Investigator may be Charging Official, or another investigator internal or external to ACTRA
- The investigation shall include:
 - i) analysis of the complaint, response and any supporting material;
 - ii) interviews of witnesses identified by the Complainant, Respondent or by the Investigator;
 - iii) review of any other material identified as relevant by the Investigator; and
 - iv) consultation with individuals with expertise identified as relevant by the Investigator.
- Investigator will provide a final report to Charging Official including (i) determination of whether complaint is substantiated or not, and (ii) recommendations for penalties, if appropriate

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Mediation (optional) (*requested by Complainant or Respondent within 14 days of the receipt of Notice of Proposed Charge*)

- Participation is voluntary and both parties should agree
- Charging Official should assign a mediation within 14 days of the request for mediation
- Mediation schedule as soon as possible and within 21 days of appointment of mediator
- If mediation does not result in settlement, proceed to investigation within 7 days

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Member's Response (*within 14 days of receiving Notice of Proposed Charge*)

- Member may provide an explanation or their version of the facts in writing
- Response must include relevant: i) dates; ii) places; iii) parties; iv) incidents and/or behaviour and/or conduct; v) witnesses; and vi) supporting documentation.

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<p>If the investigation report finds that the complaint is substantiated, the Charging Official decides what step to take: (<i>within 14 days of receiving member response</i>)</p>	<p style="text-align: center;">Charge Dismissed</p> <p style="text-align: center;">Charge Affirmed <i>Must notify member, explain appeal process, and enclose appeal forms</i></p>
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Procedure: APPEAL TO DISCIPLINE COMMITTEE

Notice of Appeal (*within 14 days of receiving Affirmation of Charge*)

- Member's notice of appeal should include:
 - a) Reason's for the appeal;
 - b) Documents/evidence they are relying on; and
 - c) Remedy requested.
- See: Notice of Appeal (oral hearing) and Notice of Appeal (written hearing)
- If member does not appeal within the time limit, deemed to have accepted the charge

Charging Official's Response
(*within 14 days of receiving Notice of Appeal*)

Was the penalty in the Affirmed Charge limited to:

- oral or written reprimand;
- education, training, counselling and/or a third party assessment to be completed within a defined period of time;
- a verbal or written apology; or
- a fine of up to \$1000,

Or did the Respondent and Charging Official agree that the appeal should be determined in writing?

Yes:

WRITTEN HEARING

Discipline Committee issues written decision (*within 14 days of receiving CO's response*)

See: Discipline Committee Decision Template

NO (*i.e. penalty was more serious than above*): **ORAL HEARING**

I. Discipline Committee issues Notice of Hearing (*within 14 days of receiving CO's response*)

- Hearing normally held within 2 months of date appeal is requested

II. Member and Charging Official provide notice of witnesses/documents to be relied on at hearing (*no later than 7 days before hearing*)

- Discipline committee may exclude docs/evidence not relevant to appeal

III. Oral Hearing (normally held within 2 months of date appeal is requested)

- All parties have right to retain legal advisors
- Charging Official presents all known facts pertaining to the charge
- Respondent presents full answer to the charge
- All parties may make argument regarding appropriate penalty

IV. Discipline Committee issues written decision (*within 30 days of hearing*)

- See: Discipline Committee Decision Template