

Trial Committee

Terms of Reference

Purpose Statement

- 1.0 The Trial Committee adjudicates complaints brought against members in accordance with the Constitution's Complaints and Disputes Resolution provisions.
- 2.0 The Trial Committee ensures the hearing process is conducted in accordance with (i) the intent and purpose of the HSA Constitution and (ii) HSA policy MEM-12 – "Complaints and Dispute Resolution under Article 15 of the Constitution".
- 3.0 The Trial Committee may make recommendations to the Board of Directors with respect to its Terms of Reference and hearing-related policies and procedures.

Goals

- 1.0 The Hearing Panel of the Trial Committee shall:
 - 1.1 Be an impartial body working at arm's length from other Union governance structures.
 - 1.2 Determine its own procedures and shall hear and receive evidence in accordance with the principles enumerated in the Constitution's Complaints & Dispute Resolution provisions.
 - 1.3 Ensure the complainant(s) and the respondent(s) being charged are aware of their right to:
 - Make submissions;
 - Call evidence;
 - Cross-examine witnesses; and
 - Introduce documents.
 - 1.4 Ensure that all complainant(s) and respondent(s) are notified by confirmed delivery regarding the date, time, location, and their expected attendance at the Hearing. It is the responsibility of the complainant(s) and respondent(s) to notify their own witness(es) of the date, time and location of the Hearing in order for the witness(es) to attend.
 - 1.5 Where the respondent has been found guilty of a breach of any Obligation or Responsibility in the Constitution, decide the appropriate level of discipline considering all the circumstances, with reference to the Constitution's Complaints & Dispute Resolution provisions.
 - 1.6 Upon conclusion of a hearing, publish a written decision and forward it to the Board of Directors, the Investigator, the complainant(s) and the respondent(s).

- 1.7 Ensure the decision includes:
- Introduction
 - Issues under consideration
 - Relevant facts
 - Positions of the parties
 - Analysis (logical progression)
 - Conclusion, including discipline imposed (if any), the length of time records will be maintained in the members' HSA record before they are removed or whether they will be a permanent part of the record.

Objectives

The objectives of the Trial Committee are to:

- 1.0 Ensure the hearing process is conducted in accordance with the intent and purpose of the HSA Constitution.
- 2.0 Ensure the trial is conducted in accordance with the principles of natural justice, good faith, and without bias.

Reporting Relationships

- 1.0 The Trial Committee reports, via its Chair, on the general nature of its activities to the Board of Directors.
- 2.0 The Chair of the Trial Committee reports to Convention on the general nature of any activity(ies) plus any decision(s) of the Hearing Panel(s), excluding personal identifying information.
- 3.0 If the Trial Committee has not convened a Hearing Panel, the Convention Chair reports to Convention.

Composition / Membership

- 1.0 The Trial Committee comprises 7 members elected at Convention.
- 2.0 Any vacancies between Conventions shall be filled by appointment from the general membership by the Board of Directors.

Membership Term

- 1.0 The Committee term is one year, ending at the conclusion of the Convention following their election.
- 2.0 Notwithstanding the Trial Committee's end of term date, a Hearing Panel convened to hear a complaint shall have the authority to fulfill its responsibilities up to and including publishing its written decision.

Chair

- 1.0 The Chair is elected by and from the Trial Committee.

Chair's Responsibilities

The Chair of the Trial Committee shall:

- 1.0 Ensure that all Trial Committee members take the Oath of Office as prescribed in the Constitution at the beginning of their term.

Upon being directed by the Board of Directors to convene a Hearing Panel, appoint a Hearing Panel of at least 3 members of the committee, that shall have all the authority and responsibility of the Trial Committee for a specific complaint.

- 2.0 Appoint the Chair of the Hearing Panel, who shall preside over the Hearing Panel.

Ensure that an outline of the Hearing Panel's procedures is provided to the complainant(s) and respondent(s) in advance of a hearing.

- 3.0 Set the committee's agenda, set meeting dates, and adhere to HSA policies.

- 4.0 Conduct and facilitate committee meetings.

- 5.0 Prepare and present regular reports of the committee's general activities and any recommendations to the Board of Directors.

- 6.0 Liaise with Independent Legal Counsel provided by HSA, as required.

- 7.0 Ensure adherence to the committee purposes, goals, and objectives.

- 8.0 Prepare a transition report at the end of the Committee's annual term for the consideration of an incoming Chair.

Staff and External Resources

- 1.0 The Union shall ensure the availability of appropriate, non-voting administrative support to the Chair and the work of the Trial Committee and the Hearing Panel(s).

- 2.0 Independent Legal Counsel shall be provided to the Trial Committee and the Hearing Panel(s).

Frequency of Meetings

- 1.0 Meetings are at the call of the Chair.

Approved by BOD: February 3, 2022

