

Trial Committee

Terms of Reference

Purpose Statement

- 1.0 The Trial Committee ensures the trial process is conducted in accordance with the intent and purpose of the HSA Constitution.
- 2.0 The Trial Committee constitutes Hearing Panels as required.

Reporting Relationships

- 1.0 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.
- 2.0 If the Trial Committee is not constituted, the Convention Chair reports.

Membership

- 1.0 The Trial Committee is comprised of 5 members elected at Convention.
- 2.0 Any vacancies between Conventions will be filled by appointment from the general membership by the Board of Directors.

Membership Term

- 1.0 The Committee term is one (1) year, ending at the conclusion of the Convention following their election.

Chair

- 1.0 The Chair is elected by the Trial Committee.

Chair's Responsibilities

The Chair of the Trial Committee shall:

- 1.0 Appoint Hearing Panel(s) of at least 3 members of the Committee as needed, which 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.
- 3.0 Provide reports to the President and the Board.
- 4.0 Set the agenda, distribute and review minutes, set meeting dates, and adhere to HSA policies.
- 5.0 Conduct and facilitate committee meetings.
- 6.0 Liaise with legal counsel as required.
- 7.0 Ensure the Committee goals, objectives and purposes are fulfilled.

Staff Resources

- 1.0 The Union shall ensure the availability of appropriate administrative support to the Chair and the work of the Trial Committee and the Hearing Panel(s).
- 2.0 Legal counsel shall be provided to the Trial Committee and the Hearing Panel(s).

Distribution of Minutes

- 1.0 Committee minutes are distributed to Committee members.

Frequency of Meetings

- 1.0 Meetings are at the call of the Chair.

Goals

- 1.0 The Trial Committee may make recommendations to the Board of Directors with respect to HSA trial-related policies and procedures.
- 2.0 The Hearing Panel shall:
 - 2.1 Be an impartial body working at arm's length from other Union governance structures.
 - 2.2 Determine its' own procedures and may:
 - Determine pre-hearing matters and issue pre-hearing orders;
 - Receive submissions;
 - Receive and accept evidence and information on oath or affirmation;
 - Cross-examine witnesses; and
 - Receive and/or request documents.
 - 2.3 Ensure the complainant(s) and the member(s) being charged are aware of their right to:
 - Make submissions;
 - Call evidence;

- Cross-examine witnesses; and
 - Introduce documents.
- 2.4 All witnesses, complainants and accused must be notified by confirmed delivery regarding the date, time, location, and their expected attendance at the Hearing.
- 2.5 Provide a written decision of their findings and the decision on the trial proceedings to the Board of Directors, the Investigator, the complainant(s) and the member(s) being charged.
- 2.6 Ensure the decision includes:
- Introduction
 - Issues under consideration
 - Relevant facts
 - Positions of the parties
 - Analysis (logical progression)
 - Conclusion, including disciplinary actions (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 trial 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.

Approved by BOD: November 5, 2008

