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