

Conditions for the Removal of an Elected Executive Member from the Executive and Council

Preamble

The Executive members of the OPC are the Officers of the corporation. Executive members are part of the Provincial Council (hereinafter the "Council") and are therefore entitled to vote and exercise the powers of Provincial Councillors. However, in addition, Executive members are charged with the responsibility of managing the affairs of the corporation between Council meetings. Furthermore, education stakeholders and members of the public regularly interact with members of our Executive and consider them to be ambassadors of the provincial OPC organization.

Since its inception in 1998, the OPC has earned a reputation as an organization with unparalleled professional standards in its delivery of member services, programming and products. The expertise, experience and conduct of our Executive members also impacts significantly on this reputation. Our ability to maintain this reputation is in part contingent upon maintaining a commitment to stringent ethical and professional standards. Consequently, any Executive member who behaves in a manner which is illegal, dishonest, or would bring the profession into disrepute, who abuses his or her authority as an Executive member, or who engages in behaviour which is contrary to the best interests of the OPC, may be subject to disqualification, suspension or removal from his or her Executive and Council roles in accordance with this Policy and the Executive Member Removal Procedure C-8.1, as they may be from time to time.

IN NO EVENT DOES ANY ACTION TAKEN PURSUANT TO THIS POLICY AFFECT AN INDIVIDUAL'S STATUS AS A MEMBER OF THE OPC OR HIS OR HER ENTITLEMENT TO THE BENEFITS OF MEMBERSHIP INCLUDING PROTECTIVE SERVICES.

Disqualification

1. An Executive member shall be disqualified from his or her Executive and Council offices, if the Executive member,
 - a. is convicted of a *Criminal Code (Canada)* offence or is convicted of an offence under the *Controlled Drugs and Substances Act*;
 - b. is found guilty of, pleads guilty to or pleads no contest to a finding of professional misconduct or incompetence by the Discipline Committee of the Ontario College of Teachers and receives a sentence greater than a caution or admonishment or reprimand from the Committee and/or remediation and/or publication of the finding or Order;

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- c. is found guilty of, or pleads guilty to or pleads no contest to, a finding of incapacity by the Fitness to Practice Committee of the Ontario College of Teachers;
- d. fails without cause and/or notice, to attend three (3) consecutive meetings of the Executive in any twelve (12) month period. Cause in this circumstance shall be assessed by any combination of three persons drawn from either the Executive or Council. At least one of these persons shall be from the Executive.

The Executive Director or his/her designate shall be responsible for disqualifying the Executive member in accordance with Procedure No. C-8.1.

Reinstatement of a Disqualified Executive Member

- 2. Council may, in its absolute discretion, and by a 2/3rds majority vote of those Provincial Councillors present, immediately reinstate an Executive member who has been disqualified under section 1. A decision as to whether an Executive member should be reinstated may be triggered by a request from: the disqualified Executive member, another Executive member, a Provincial Councillor, by a motion of an OPC District or by a motion of Council.

Temporary Suspension of an Executive Member

- 3. An Executive member who has been charged by the police with a *Criminal Code (Canada)* or *Controlled Drugs and Substances Act* offence in which any finding outlined in section 1 above could result, shall immediately advise the Executive Director of that fact and shall be immediately suspended from his or her Executive and Council offices pending the outcome of the proceeding.
- 4. The Executive may, if it deems necessary, appoint an interim replacement for the suspended Executive member, provided it is not the position of President. In making its appointment, the Executive shall give due regard to maintaining gender, geographic and panel balance on the Executive. The replacement Executive member shall only hold office until the charge against the suspended Executive member is resolved or until the next election at which point the suspended Executive member's seat shall be declared vacant and a new Executive member duly elected to fill that position. In the event the suspended Executive member is the President, the President Elect shall assume the role of President until the charge against the suspended Executive member is resolved.

Removal of an Executive Member

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5. An Executive member may, in accordance with the process established in Procedure C-8.1, be removed from his or her position as an Executive member and his or her position as part of Council for conduct other than that described in section 1 above, which could negatively affect the reputation of the OPC. A Review Committee of five (5) members of Council, at least one of whom and no more than two are Executive members, must by a 4/5ths majority recommend the removal of the Executive member and a 2/3rds majority of those Provincial Councillors present must approve the motion to remove the Executive member, which motion shall be dealt with by secret ballot and in-camera.

Consequences of Disqualification, Suspension or Removal

6. An Executive member who is disqualified, suspended or removed from his or her position on the Executive and Council shall not participate in any Executive or Council meeting, represent the Executive or Council in any capacity, conduct Executive or Council business or participate in any other proceeding of the Executive or Council including any OPC Foundations.

Continued Rights of Membership

7. In no event shall an Executive member's disqualification, suspension or removal from his or her offices affect his or her OPC membership or entitlement to receive the benefits of membership including advice on professional matters and/or legal counsel in accordance with the Protective Services Policy, any relevant Protective Services Agreement and related procedures as they may be from time to time.

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Replacement of an Executive Member Whose Office Has Been Vacated

8. The seat of an Executive member becomes vacant:
 - a. upon the Executive member's death or resignation;
 - b. thirty (30) days after the Executive member is disqualified and no reinstatement process is engaged;
 - c. at the election next following the Executive member's suspension, if his/her suspension has not been resolved in accordance with Policy C-8.1 or this Procedure except in the event it is the President who has been suspended in which case the seat shall become vacant upon the President being advised of his or her suspension for the remainder of his or her term of office unless or until his or her suspension is resolved;
 - d. or upon the Executive member being removed from his or her Executive office by a 2/3rds vote of Council.
9. Replacement of the Executive member shall be carried out in accordance with the Constitution of the OPC and the process detailed in Procedure C-8.1.