

# Judicial Council

2016–17



British Columbia  
Teachers' Federation

The Judicial Council is composed of a chairman and 18 members who are elected by the Representative Assembly.

Allegations that a member has breached the code of ethics or engaged in conduct harmful or prejudicial to the interests of the Federation may be submitted by any member having a legitimate interest in the complaint and not having available a more appropriate recourse. The Judicial Council's role is to consider and adjudicate such complaints.

The Judicial Council also educates members regarding the code of ethics and assists them with maintaining positive, professional relationships.

### **By-law No. 7—Judicial Council**

7.1 There shall be a Judicial Council which shall, except as provided in By-law 7.8, have the jurisdiction to consider and deal with complaints against members in respect of allegations that the member has:

- a. breached the Code of Ethics, or
- b. engaged in conduct harmful or prejudicial to the interests of the Federation.

7.2 The Judicial Council shall be composed of a chairperson, who shall be elected by the Representative Assembly, and an additional 18 members who shall be elected by the Representative Assembly. All members of the Judicial Council shall be active members of the Federation entitled to vote, and must receive a majority of the votes cast by the Representative Assembly. When a Judicial Council member resigns from or otherwise leaves the Judicial Council, the member's appointment to Judicial Council may continue solely for the purpose of completing ongoing proceedings.

7.3 The chairperson of the Judicial Council may constitute panels to consider complaints, consisting of no fewer than three other members of the Judicial Council. Such panels may be designated as Screening Panels, Hearing Panels, or Appeal Panels. The Judicial Council may, subject only to the direction of the Annual General Meeting, establish rules and procedures for considering complaints, provided that all such rules and procedures comply with the principles of natural justice and the duty of fairness. Should a member of the panel be unable to continue, the work of the panel on a particular matter may continue to completion at the discretion of the Judicial Council chairperson.

7.4 The Screening Panel may dismiss a complaint or determine the process by which a complaint may be resolved in accordance with Federation policy and procedure.

7.5 Where a complaint is referred to a Hearing Panel, and after the panel has considered the matter in accordance with its rules and procedures, the panel shall be empowered to:

- a. dismiss the complaint; or
- b. where the member who is the subject of the complaint has been found in breach of the Code of Ethics or to have engaged in conduct harmful or prejudicial to the Federation's interests impose fines, levies, and other remedial or disciplinary measures commensurate with the gravity of the breach found by the Hearing Panel and in accordance with the Federation's policies and procedures.

7.6 A member found in breach by a Hearing Panel may, within 30 days of notification of the decision, appeal to an Appeal Panel by notifying the chairperson of the Judicial Council in writing of such appeal. The appeal may be with respect to the finding of breach, and/or with respect to the penalty imposed. The Appeal Panel may confirm, reverse, or modify the decision of the Hearing Panel, or may refer the complaint back to a Hearing Panel for reconsideration in accordance with the Appeal Panel's findings.

7.7 The decision of an Appeal Panel shall be final and binding and notwithstanding any other provision in these by-laws, there shall be no appeal of the decision of an Appeal Panel to the Representative Assembly or to an Annual General Meeting.

7.8 Except as provided in By-law 7.1, and in accordance with the local's constitution and by-laws, the executive committee of a local shall have the jurisdiction to consider a complaint that a member of that local has breached the local's constitution, by-laws or procedures or has acted in a manner harmful and prejudicial to the interests of the local, provided that the same alleged breach has not been pursued at the provincial level. The executive committee of the local shall consider the complaint in accordance with the principles of natural justice and the duty of fairness, and after such consideration it may:

- a. dismiss the complaint, or
- b. where such a breach by the member who is the subject of the complaint is found:
  - i. determine appropriate publication of the finding of the breach,
  - ii. suspend the right of the member to hold office in the local and/or to receive specified benefits of membership in the local for a period not exceeding two years; or
  - iii. impose a combination of the foregoing commensurate with the gravity of the breach.

7.9 A member found in breach pursuant to By-law 7.8 by the executive committee of a local shall, within 30 days of being notified of the decision, have the right to appeal to an Appeal Panel of the Judicial Council by notifying the chairperson of the Judicial Council and the president of the local in writing of such appeal. The Appeal Panel shall consider the appeal in the same manner as if it were an appeal from a Hearing Panel decision pursuant to By-law 7.6.

7.10 A levy imposed by the Judicial Council shall be a debt due to the Federation and may be collected with costs of the suit in the name of the Federation in any court of competent jurisdiction.

### **By-law No. 16—Discipline**

The Federation shall prepare and adopt a Code of Ethics to govern the professional conduct of its members, which code shall be binding on every active member of the Federation. The Code of Ethics may be amended only at an Annual or Special General Meeting by special resolution passed by a three-quarters majority and in accordance with the provisions of the Society Act.

Complaints of an alleged breach by an active member of the Code of Ethics or of conduct harmful or prejudicial to the interests of the Federation may be submitted by any active member having a legitimate interest in the complaint and not having available a more appropriate recourse.

The right to file a complaint shall expire six months after the complainant knows of or can reasonably be expected to know of the events upon which the complaint is based. Complaints shall be directed to the chairperson of the Judicial Council and/or designated administrative staff.

## **BCTF Code of Ethics**

The Code of Ethics states general rules for all members of the BCTF for maintaining high standards of professional service and conduct toward students, colleagues and the professional union. Members are advised to contact local union officers or appropriate BCTF staff for advice on how to proceed with issues related to the BCTF Code of Ethics.

1. The member speaks and acts toward students with respect and dignity, and deals judiciously with them, always mindful of their individual rights and sensibilities.
2. The member respects the confidential nature of information concerning students and may give it only to authorized persons or agencies directly concerned with their welfare. The member follows legal requirements in reporting child protection issues.
3. A privileged relationship exists between members and students. The member refrains from exploiting that relationship for material, ideological, or other advantage.
4. The member is willing to review with colleagues, students, and their parents/guardians the practices employed in discharging the member's professional duties.
5. The member directs any criticism of the teaching performance and related work of a colleague to that colleague in private. If the member believes that the issue(s) have not been addressed, they may, after privately informing the colleague in writing of their intent to do so, direct the criticism in confidence to appropriate individuals who can offer advice and assistance. \* It shall not be considered a breach of the Code of Ethics for a member to follow the legal requirements for reporting child protection issues.
6. The member acknowledges the authority and responsibilities of the BCTF and its locals and fulfills obligations arising from membership in her or his professional union.
7. The member adheres to the provisions of the collective agreement.
8. The member acts in a manner not prejudicial to job actions or other collective strategies of her or his professional union.
9. The member neither applies for nor accepts a position that is included in a Federation in-dispute declaration.
10. The member, as an individual or as a member of a group of members, does not make unauthorized representations to outside bodies in the name of the Federation or its locals.

\*See 31.B.12 of the Members' Guide to the BCTF

For further information on the Judicial Council process, please see the BCTF Members' Guide, or contact Michelle Davies, BCTF Ethics Administrator, at 604-871-1803, toll free 1-800-663-9163, local 1803, or [mdavies@bctf.ca](mailto:mdavies@bctf.ca).