

# CODE OF CONDUCT

Governing Individuals Affiliated with the Gateway Student Journalism Society

## ARTICLE 1: INTRODUCTION

### 1.1 - Scope

- a. This code applies in the context of the Gateway Student Journalism Society (“GSJS”) workplace. The workplace is defined as the physical GSJS offices; additionally, the workplace is further understood to include any conferences, retreats, editorial or board of directors meetings, irrespective of location, as well as during traveling to and from said events; furthermore, for purposes of this Code, the workplace also extends to all listservs and communications from GSJS email addresses as well as any other time/place that an individual can reasonably be understood to be representing the GSJS, including and especially when on assignment.
- b. This code applies to all affiliates of the GSJS, (“members”), specifically including paid staff, directors and volunteers while they are in the GSJS workplace as defined above.

### 1.2 – Organization and application

- a. Articles One, Two and Three combined shall be understood to constitute Part One of this Code. Article Four shall be understood to constitute Part Two of this Code.
- b. Part One shall be posted prominently in the GSJS office and circulated to current and new members. The whole document shall be included in the GSJS policy manual and shall be posted on the GSJS website. Copies of this code shall be made available to anyone within 48 hours of request.
- c. Violations of Articles Two and Three shall be subject to disciplinary proceedings outlined in Part Two/Article Four.

## ARTICLE 2: EXPECTATIONS

The GSJS expects all members to aid in the maintenance of a safe, professional and smooth-running operation. To this end, the following is expected of all members:

### 2.1 – Office and Equipment Usage

- a. Since a limited space is shared by many people, individuals should clean up after themselves and respect the personal space of others.
- b. Equipment and other property belonging to the GSJS shall be treated with respect and care, and shall only be used for its intended purpose. By extension, equipment shall not be used excessively for non-GSJS projects.
- c. Equipment shall not be used for personal projects unless all work-related tasks are complete and no other members are waiting to use said equipment for GSJS work.
- d. Damage to, or any malfunction of, GSJS equipment must be reported to a staff member immediately.
- e. Equipment being removed from the office shall be properly signed out and must be returned in the condition in which it was removed.

### 2.2 – General Conduct

All members shall:

- a. conduct themselves professionally and courteously while in the workplace or on GSJS business;
- b. do their utmost to foster a welcoming, tolerant, comfortable and professional environment at all times;
- c. decline to participate in any public behaviour, discussions or commentary disparaging to any fellow member.

### **2.3 – Work Done for the GSJS**

Contributors (defined either as editors working for other sections or volunteers) shall:

- a. adhere to deadlines as assigned or delegated;
- b. not accept assignments they do not intend to complete;
- c. alert their editor immediately should the completion of an assignment come in to doubt;
- d. take great care to ensure the integrity of all quotes, attributions and facts, bearing in mind that errors reflect not only on personal journalistic integrity, but also directly on the credibility of the GSJS itself.

## **ARTICLE 3: UNACCEPTABLE BEHAVIOUR**

All those affiliated with the GSJS may reasonably expect to pursue their work in a safe and civil environment. The GSJS therefore condemns any violence or offenses against property; moreover, the GSJS denounces any harassment on the basis (singly or in any combination) of race, colour, sexual orientation, disability, age, marital status, political or religious affiliation, place of origin, class or gender.

### **3.1 – Harassment**

- a. Harassment may be verbal or physical, and consists of any vexatious and/or unsolicited comment or conduct that is known, or should reasonably be known, to be unwelcome. This definition applies to both single and ongoing incidents.
- b. Harassment may include, but is not limited to:
  - i. unwelcome remarks, jokes, innuendoes or taunts about a person's body, clothing, gender or sexual orientation, sexuality, racial background, disability, age;
  - ii. insulting gestures and jokes: for example, of a sexist, racist or homophobic nature;
  - iii. the display of pornographic and/or racist material outside of the context of legitimate research;
  - iv. refusing to talk to, or work cooperatively with a person because of her or his sex, race, colour, sexuality, age;
  - v. unwelcome physical contact, such as patting, touching, pinching;
  - vi. unwelcome sexual overtures;
  - vii. sexual assault;
  - viii. physical assault; and,
  - ix. creating, or threatening to create, a condition which unnecessarily endangers or threatens the health, safety or well-being of another member or group of members.

### **3.2 - Offenses Against Property**

Offenses against property are defined as willfully or recklessly taking, having unauthorized possession of, and/or damaging or destroying any property belonging to:

- a. The GSJS; or,
- b. Any fellow member, when said member's property was in the GSJS workplace.

## **ARTICLE 4: PROCEDURE FOR ADJUDICATING COMPLAINTS**

Complaints made under this Code shall be adjudicated in a manner that is consistent with the principles of natural justice and fairness for all parties to the complaint, regardless of constituency. The principles of natural justice may be defined broadly as the obligation to hear both sides, to allow counsel, and to render decisions untainted by bias, and to give reasons for any arising decision and to allow for a course of appeal.

### **4.1 – Initial Complaint**

- a. Complaints can be brought to the Editor-in-Chief by anyone who has suffered, or (if not a sufferable offense) personally witnessed, a gross or recurrent failure to meet Expectations (as outlined in Article 2) and/or any instance of Unacceptable Behavior (as outlined in Article 3).
- b. If the Editor in Chief is either unavailable, in a demonstrable conflict of interest, or the subject of the complaint, one of the following officers may be approached to act in his/her stead:
  - i. Managing Editor;
  - ii. Senior News Editor;
  - iii. Chair of the Board of Directors.
- c. The Editor-in-Chief (or his/her substitute as designated above in 4.1.b) shall be the "Adjudicator" and shall act to oversee the processing of the complaint.
- d. A designated officer of the Society (specifically the Editor-in-Chief, The Managing Editor, the Senior News Editor, the Chair of the Board of Directors or the Business Manager), may file a complaint on behalf of the GSJS; in this event, the officer filing the complaint may not also act as Adjudicator.

### **4.2 – Complaints Subject To A Range Of Responses**

In keeping with the desire to settle conflicts in an effective and constructive manner, the GSJS, through the adjudicator, shall endeavour to seek an appropriate response to any alleged violations of this Code, ranging from the use of alternate methods of conflict resolution to formal procedures for adjudicating complaints (4.3). If a violation has occurred, every attempt shall be made to use remedies and sanctions that restore harmony, collegiality and cooperation between members.

### **4.3 – Proceeding with the Complaint**

At all stages of the complaint the twin rights to confidentiality and fairness held by both the complainant(s) and the defendant(s) shall be held in the highest regard by all participants.

- a. Normally, a formal complaint should be filed within seven days of the alleged violation. This period may be extended at the discretion of the Adjudicator.
- b. Any formal complaint must be made in writing, must include substantive detail as to the nature and extent of the alleged code violation(s) and must specify the identity of the defendant(s).
- c. Complaints may not be brought on behalf of another party (excepting when the complaint is being brought on behalf of the GSJS itself, per 4.1.d.).
- d. The Adjudicator shall hold the particulars of the complaint in confidence.
- e. The Adjudicator shall act as Chair of the Grievance Committee (see 4.4).

- f. The Adjudicator shall inform the complainant(s) of any delays regarding the complaint procedure, should they occur.
- g. In the event that the alleged offence is of a sufficiently serious nature as to suggest an ongoing danger to members or GSJS interests, the Adjudicator may -- according to their best judgment, and in consultation with at least one other senior GSJS officer (Editor-in-Chief, Managing Editor, Senior News Editor, Chair of the Board or Business Manager) -- immediately suspend a defendant pending the unfolding of the investigation process. In this case, the defendant shall be informed immediately of their suspension under this clause.

#### **4.4 – Initial Composition of the Grievance Committee**

The grievance committee shall be composed of three (3) officers of the Gateway Student Journalism Society, according to the following guidelines and procedure:

- a. The Adjudicator shall work to immediately fill the two other positions, avoiding any persons known to be substantially in conflict with either the complainant(s) or defendant(s).
- b. The second member of the committee shall be a voting member of the GSJS board (preferably the Chair).
- c. The third member of the committee shall be a member of the Editorial Board (preferably an Editors' Board Rep).
- d. The Adjudicator should also recognize the need to represent a diversity of backgrounds and opinions on the committee.
- e. Having preliminarily established an absence of malice or conflict on the part of a prospective member of the committee, the Adjudicator shall disclose the written complaint to the prospective committee member in strict, stated confidence. The Adjudicator shall then ask the prospective committee member to declare if they feel able to deal fairly with the complaint involving the named parties. If they cannot do so without reservation then they shall be replaced by another suitable member according to the criteria set out above.
- f. The Adjudicator shall make every reasonable effort to complete the initial selection of the grievance committee within 48 hours of receiving the complaint; sooner if practicable.
- g. The Adjudicator will notify the complainant(s) of the composition of the grievance committee to ensure there are no substantial conflicts from the perspective of the complainant(s). It shall fall to the judgment of the committee as a whole to weigh any objections.

#### **4.5 - Notification of Defendant(s) and Right of Reply**

- a. The Adjudicator shall make every reasonable effort to notify the defendant(s) in writing that a complaint has been filed within 24 hours of the approval of the committee by the complainant(s); sooner if practicable.
- b. The composition of the committee shall be disclosed at this time.
- c. The defendant(s) shall receive a copy of the formal complaint as well.
- d. The defendant(s) shall be encouraged to submit a written statement in response to the complaint.
- e. The defendant(s) shall also be expressly informed of their opportunity to state, in writing, any objections to the composition of the committee.
- f. The defendant(s) shall normally have 48 hours to compose these responses, though this may be extended at the discretion of the committee.
- g. Immediately after receipt of documents from the defendant(s) the Adjudicator shall disclose to the grievance committee the defendant(s)' reply to the allegations.

- h. Any objection on the part of the defendant(s) to the composition of the board shall also be reviewed.
- i. In the event that the composition of the grievance committee changes by resignation or removal, both the complainant(s) and defendant(s) shall have a right of reply to the appointment of any new member of the committee.
- j. Any dismissed member shall continue to maintain the confidence of all knowledge pertaining to the complaint and reply thereto.
- k. The intent of these provisions is to ensure that the committee is fair and impartial; these procedures should not be employed frivolously to delay the proceedings.

#### **4.6 – Investigation**

- a. The committee shall thoroughly investigate the details of the alleged code violation to ascertain their veracity.
- b. Any interviews conducted shall be recorded and transcribed for the investigation file.
- c. Interviews shall be conducted only in the presence of all members of the committee.
- d. Both the complainant(s) and defendant(s) shall have the opportunity to suggest witnesses for interview.
- e. Hearsay shall not be admissible. (Hearsay may be understood as second-hand evidence in which the witness is not testifying about what he/she knows personally, but about what others allegedly told the witness they saw).
- f. Committee members shall not ask leading questions of the witness. (Leading questions are those which supply new information to the witness or otherwise suggest an answer or put words in the mouth of the witness.)
- g. Witnesses shall be entitled to request a copy of the transcript of their own interview no less than 48 hours from giving it, and may ask for it from the investigation file at any time until the records are destroyed in accordance with provisions found below in 4.9.
- h. Witnesses may correct errors they note but may not change their testimony. If witnesses persist in desiring to significantly alter their statements then their entire testimony shall be deemed discredited and should be disregarded.
- i. Once the committee is satisfied with the evidence collected they shall forward it to the defendant(s) for review.
- j. The defendant(s) shall be given the opportunity to respond in writing to any evidence considered by the committee.
- k. The defendant may request a hearing from the committee and shall be entitled to bring counsel to said hearing.

#### **4.7 – Decision**

The committee may not render a decision until it has collected sufficient facts upon which to act. Decisions must be in writing and must spell out the reasons underlying the decision.

The grievance committee:

- a. May dismiss the complaint if it is found to be groundless or dilatory.
- b. May recommend another form of mediation if the complaint does not fall within the purview of this code.
- c. In respect of a defendant who is not an employee or officer of the GSJS the committee may resolve any of the following individually or in combination:
  - i. Request an apology from the defendant(s);
  - ii. Issue a formal confidential notice of reprimand of the defendant to the attention of his/her appropriate supervisors, editors, etc;
  - iii. Issue a temporary suspension of privileges, including barring contributions, and

- an automatic and immediate expulsion from any GSJS function and/or cessation of participation in any on-line GSJS community (this provision is intended to be employed to remove offenders deemed to pose a serious risk to the safety of others, with more permanent action to be taken pending the outcome of a related proceeding, [e.g. a criminal case], some other arbitration or a related appeal to the GSJS board); and/or,
- iv. Recommend to the GSJS board a permanent revocation of any and all of the the defendant(s)' privileges, barring them from ever contributing, participating in any on-line GSJS activities, attending conferences, or running for any GSJS offices.
- d. In respect of a defendant who is an officer or employee of the GSJS, the committee may resolve any of the following individually or in combination (mindful of any superceding processes and criteria laid out in the GSJS bylaws and/or any applicable employment contract):
- i. Request an apology from the defendant(s);
  - ii. Issue a formal reprimand for the personnel file (which may be referenced in combination with later reprimands or warnings as cause for termination by the GSJS board);
  - iii. Order an immediate short-term suspension with pay (if applicable) for up to two weeks, which shall include immediate expulsion from the GSJS workplace (this provision is intended to be employed to remove offenders deemed to pose a risk to the safety of others, with more permanent action to be taken pending the outcome of a related proceeding, [e.g. criminal], or pending the decision of the GSJS board on the recommendation of termination [see section 4.7 d. iv.]). The suspension may be extended indefinitely at the discretion of the GSJS board;
  - iv. Refer a recommendation of termination of employment or contract (if applicable) to the GSJS board for ratification; and/or,
  - v. Recommend to the GSJS board a permanent revocation of the defendant(s)' status within the organization.
- e. Though the members of the committee will ideally be in consensus, a committee member disagreeing with the grounds and/or scope of the decision shall detail his/her reasoning in a dissenting opinion as part of the written decision.

#### **4.8 – Role of the GSJS Board: Referrals for Ratification of Certain Decisions; Appeals**

It shall fall to the GSJS board to act as the body of appeal for all matters arising from this Code's grievance committee process. It must be stressed that aspects of the complaints and the identity of those involved shall be kept in the strictest confidence and that all discussions should be held in camera.

- a. The complainant(s) may appeal dismissal of the complaint (4.7.a.) to the GSJS board in writing within one month of the decision by the grievance committee.
- b. Any member of the GSJS board who is in a conflict of interest, is named in the complaint, or has ruled on this issue as a member of the Grievance Committee, shall recuse themselves from any discussion of the issue at the board.
- c. The extension of any suspension (4.7.c.iii. or 4.7.d.iii) must be ratified by the GSJS board with full reference to the investigation files. It shall fall to the GSJS board at that time to decide whether the suspension will include pay (if applicable), and whether to replace the defendant(s) on an interim basis (if applicable).
- d. Any recommendation for termination or permanent revocation of privileges (4.7.c.iv or

4.7.d.iv and/or 4.7.d.v.) should only be ratified by the GSJS board with full reference to the investigation files.

- e. The defendant(s) may appeal any ratification decision of the GSJS board in writing.
- f. The defendant(s) is/are entitled to a hearing before the GSJS board in respect of any ratification or appeal; furthermore, the defendant(s) is/are entitled to counsel at these hearings.
- g. All decisions of the GSJS board must be given in writing and must include reasoning, and shall be appropriately filed with other documents from the investigation. As with decisions from the committee level, dissenting opinions shall be included if applicable.

#### **4.9 – Records of Complaints, Decisions and Investigations**

- a. Any written decision issued by the grievance committee or subsequently by the GSJS board will be included in the personnel file of the defendant(s) along with the investigation transcripts, as well as a copy of the initiating written complaint and any replies.
  - i. Both the complainant(s) and the defendant(s) have the right to see these documents;
  - ii. other witnesses in the investigation do not have any right to said documents.
- b. Records from complaints deemed dilatory or groundless (4.7.a.) shall be destroyed after one month, once the window for appeal has elapsed.
- c. Records of all other complaints and decisions shall be retained in the files for three (3) years, at which point they shall be destroyed under the supervision of the current Editor-in-Chief, Managing Editor, and Chair of the Board.

#### **4.10 –Notification of Decisions**

The right to confidentiality of complainants and defendants must be balanced firstly against Directors' need to be aware, and secondly against the need for all members to be kept aware of the disposition of their fellow members.

Decisions arising out of this process, both of the committee and the GSJS board shall remain confidential except in the following cases, and even so only specified aspects will be made selectively available according to the stipulations in each case:

- a. In the event of any reprimand being issued to a GSJS officer, the GSJS board shall be notified in camera of the details of the decision by the Adjudicator.
- b. In the event of a reprimand of a member who is not an officer, the Gateway editorial board and board of directors shall be notified in camera by the Adjudicator.
- c. In the event of any suspensions arising from this process, members will be notified of the suspension of the defendant, and further that it came about as a consequence of a Code of Conduct violation, and told if any other process is pending (appeal to the GSJS board or appeal to the courts in answer to the decision). The details of the complaint and arising decision shall otherwise remain confidential.
- d. In the event of a ratification of a recommendation for termination by the GSJS board, based on a recommendation by the grievance committee, members shall be notified that the defendant has been dismissed for cause on the basis of a gross Code of Conduct violation. The details of the complaint and decision shall otherwise remain confidential.
- e. None of the provisions laid out in this section shall be interpreted as to limit the power of the GSJS board to consider all evidence on a confidential basis in the event of an appeal, in accordance with 4.8.

#### **4.11 – Recourse to Law**

This Code does not detract from any members' right to seek the recourse of law.