

Ontario Guild of Town Criers



Ethics and Discipline Mandate, Regulations & Guidelines

The Ethics and Discipline Committee have developed the following regulations and guidelines, in keeping with the Mandate illustrated below:

- (A) Ethics:**
- (1) Develop and circulate a proposed “Code of Ethics,” to be evaluated, amended as required, for consideration by the Guild, establishing guidelines for the ethical conduct of its membership;
 - (2) Meet on an ongoing basis, to evaluate the effectiveness of the “Code of Ethics” and provide recommendations to the Board in this regard.
- (B) Discipline:**
- (1) Develop and circulate a proposal consisting of procedures, to be evaluated, amended as required, for consideration by the Guild, for the purpose of the timely and economical resolution of concerns, arising from or pertaining to the Guild's “Code of Ethics,” including recommendations regarding related action on the part of the Guild.
 - (2) Meet on an ongoing basis, to evaluate the effectiveness of the procedures adopted by the Guild pertaining to “Discipline” and provide recommendations to the Board in this regard.
- (C) Miscellaneous:**
- (1) Recommendations on a strategy which will empower the effective implementation of (A) and (B) above.

Regulations & Guidelines

(A) *Ethics*

(i) *Territorial Matters:*

(a) *HOME TERRITORY:*

The geographical boundaries which embody a Crier's "Home Territory" shall be the limits of the municipal jurisdiction of the appointing Municipality; and the Home Territory of a Member Crier shall be considered their exclusive domain.

To avoid conflicts, all events (commercial or otherwise) organized by the appointing Municipality or its officials shall be open to the "Home" Crier only. The "Home" Crier shall not be restricted in any way, however, if by way of their own request, from extending an invitation to any other Guild Members to participate, assist, or represent the Home Crier, should they themselves be unavailable.

Any incursion into a Town Crier's Home Territory by another Guild Member shall require:

- (1) ***Prior notification*** (immediately upon determination of a possible conflict, or as soon as practicable thereafter) of any conflict to the event representative and to the affected Crier; as well as
- (2) ***Agreeable consent of the affected Crier; but***
- (3) ***Such consent should not be unreasonably withheld.*** (Previous appearances, commitments, long standing relationships, and specific "requests" for a particular Town Crier initiated by the representative of the event, shall be deemed mitigating factors requiring consideration.)

(b) *NEW TERRITORIES:*

Where an appointment of a Town Crier, either an existing member of the Guild or a new Crier seeking admittance to the Guild, results in the reallocation, redistribution of, or, where such territory overlaps the "Home Territory" of another member in good standing of the Guild, the conditions as set out in section (i)(a) above shall apply, and the pre-existing Crier shall have priority.

(ii) *Use Of "Guild Materials": i.e., Paraphernalia, Insignia And Other Related Items:*

- (a) The Insignia, Name, Guild Crest, and any other materials, in any form whatsoever; prepared for, on behalf of, adopted by, or distributed by the Guild shall remain the property of the Ontario Guild of Town Criers. Their use shall be governed by the following guidelines:

- (1) ***Normal use of "Guild Materials"*** by the membership shall include any activity which is sanctioned by the Ontario Guild of Town Criers, and as such, permission shall be deemed granted unless otherwise notified by the Guild;
- (2) ***Any other use of "Guild Materials"*** shall be at the sole discretion of the Board of Directors of the Ontario Guild of Town Criers.

(iii) Code of Conduct:

Membership in the Ontario Guild of Town Criers being a privilege, the conduct of the members of the Ontario Guild of Town Criers, while in the course of their duties and obligations, arising from their membership in the Ontario Guild of Town Criers, at all times, shall: be of the highest ethical standards; uphold the honour and integrity, and be in the best interests, of the Guild; and in particular:

- (a) The conduct of the members of the Ontario Guild of Town Criers shall reflect the ***non-partisanship of the Guild***, as required by its Constitution (as amended), as follows:
 - (1) ***No statement, obligation or commitment***, shall be made by any member of the Ontario Guild of Town Criers, directly or indirectly; unless by the authority of their respective office in the Guild, or, from time to time, by the President, on behalf of the Guild, its Board of Directors, and its membership;
 - (2) ***No statement of support, obligation, commitment or affiliation*** whatsoever, aligning the Guild with any “non-partisan third party organization” or any other “non-partisan cause”, directly or indirectly, shall be undertaken by the Guild or by any of its members.
- (b) While in the course of their duties and obligations arising from membership in the Ontario Guild of Town Criers, the ***personal opinions or views*** held by any member of the Guild, where they may differ from the policy of the Guild, shall not be promoted in such a manner as may be, or may be perceived to be, on behalf of, or detrimental to, the Guild;
- (c) The membership shall conduct themselves so that, to the best of their abilities, their ***behaviour, language or comments*** shall not adversely affect, or be to the detriment of the Guild, or any of its members.
- (d) The conduct of Guild Members ***when interacting with the each other, or the general public***, shall be governed by principles of common courtesy and the law of the land, insofar as each may be applicable.

(B) Discipline

(i) Dispute Resolution Procedures Designed To Swiftly And Economically Mediate Or Otherwise Internally Resolve Concerns Arising From Adoption Of A “Code Of Ethics” By The Guild:

- (a) This process shall commence upon receipt of a written request, sent to the Committee Chair; and
- (b) Upon receipt, the Chair shall request a written reply from the other party(ies) to the dispute; same to be provided at the earliest possible opportunity; however
- (c) At the Chair’s discretion, and only if all affected parties are available and in agreement, the Chair may waive written applications, and may initiate immediate ***inquiries for the purposes of mediation and amicable dispute resolution; and***
- (d) The chair shall attempt to quickly and amicably mediate the dispute, and if successful, shall acquire written acknowledgement of same from the affected parties; but

- (e) If the dispute cannot be settled on such amicable basis, a full Committee mediation hearing shall be convened, in a timely and economical manner, and the affected parties shall receive reasonable notice of the date, time and location of such hearing; where:
 - (1) The Committee mediation hearing “panel” shall be comprised of no less than 3, and no more than 5 members, in good standing, of the Ontario Guild of Town Criers; exclusive of any member(s) making a submission or appearing before the Committee, said member(s) deemed to be in a situation of conflict of interest; and
 - (2) The chairperson of such hearing panel shall be chosen from one of the Board of Directors, belonging to the Ethics and Discipline Committee; on a rotating basis, or as otherwise directed by the Board of Directors; and shall cast a vote only in the event of a deadlock.
 - (3) Presentations at such mediation hearing(s) shall be received only from members in good standing of the Ontario Guild of Town Criers; and are restricted to the member's oral testimony, their written submissions, and any witnesses' sworn affidavits; and
- (f) Decisions by the Committee, including recommending a course of action, as required, shall be presented, by way of a written report, to the Board of Directors, for review and ratification, in a timely and economical manner, and
- (g) The Board shall review the decision(s) arising from the Committee mediation hearing and any relevant recommended action(s) proposed by the Committee, as follows.
 - 1) Should the Board of Directors ratify the Committee's report:
 - (A) written notification shall be sent to all the affected parties, reflecting the decision(s) of the Guild, and any resultant action(s) by or on behalf of the Guild; but
 - (B) upon receipt of a written request from any of the affected parties, citing any germane reason(s) for reconsideration or appeal; and at the sole discretion of the Board of Directors; a new hearing, before a Tribunal composed of a quorum of the Board of Directors, may be convened in a timely and economical manner; or
 - 2) Should the Board of Directors reject the Committee's report:
 - (A) written notification of same shall be forwarded to the affected parties at the earliest possible opportunity; however
 - (B) upon receipt of a written request from any of the affected parties, citing any germane reason(s) for reconsideration or appeal; and at the sole discretion of, or as otherwise deemed necessary by, the Board of Directors; a new hearing, before a Tribunal composed of a quorum of the Board of Directors, shall be convened in a timely and economical manner; or
 - 3) Should the Board of Directors, ratify the decision(s) of the Committee, but find that any recommended action(s) arising from the Committee's mediation hearing, be deficient, a new hearing, before a Tribunal composed of a quorum of the Board of Directors, shall be convened in a timely and economical manner; and

- (h) Should such a Tribunal hearing be convened, the following provisions shall apply:
- (1) Reasonable notice of the date, time and location of such Tribunal hearing shall be given to the affected parties; and where
 - (2) Any Member of the Board of Directors, making a submission or appearing before the Tribunal, shall be deemed to be in a situation of conflict of interest and shall be precluded from voting on the matter before the Tribunal;
 - (3) A “Quorum” of the Board of Directors, for the purposes of the Tribunal, shall consist of a simple majority of all Directors of the Board, net of any such Director(s) having declared a conflict of interest; and
 - (4) The chairperson of such Tribunal shall be the Board President, or in their absence, conflict of interest, or inability to chair such Tribunal, shall be as so directed by the Board of Directors; and shall cast a vote only in the event of a deadlock.
 - (5) Unless advised to the contrary by the Board of Directors, submissions and presentations to the Board at such Tribunal hearing shall be restricted to members in good standing of the Ontario Guild of Town Criers, any witness(es) giving supporting evidence, and their respective counsel; and
 - (6) Should the Board be required to hear testimony or submissions from any non-member(s), at all times prior to the date of such Tribunal hearing, and as soon as possible, written advice of same, including the respective identities and the relevancy of the proposed evidence to be given by the non-member(s), shall be forwarded to the Board. Should circumstances so warrant, the Board may reschedule such Tribunal hearing as to accommodate the testimony of all said witnesses at one sitting.
- (i) Any decision(s) or recommendation(s) ratified by a Tribunal of the Board of Directors shall be forwarded, in writing, to all the affected parties as soon as possible. Such decision(s) or recommendation(s) shall be final and shall not be subject to further appeal; except where and as allowed by the laws of the land; and.
- (j) Any such ruling(s) by the Board of Directors of the Ontario Guild of Town Criers shall be limited only by any restriction(s) germane to same, by virtue of any applicable statute(s) or law(s) of the land, and shall include selective or total restriction of membership privileges, relative to the activities of, or sanctioned by, the Guild; and, where necessary, suspension or expulsion from the Guild.
- (k) “Expulsion from the Guild” shall result in written notification, of the termination of the affected crier's membership in the Guild, to be forwarded to any expelled member's appointing Municipality.

(ii) *Other Procedures Where Internal Mediation Of Concerns Arising From Adoption Of A “Code Of Ethics” By The Guild Is Not Possible, Or Where Other Action Be Warranted:*

- (a) At all times, the “Ontario Guild of Town Criers” shall retain its right of recourse, and any other rights or privileges, pertaining to any legal action(s) whatsoever, as granted or available to it, under any law(s) in any applicable jurisdiction of the land.
- (b) Any such action(s) shall be at the sole discretion of the Board of Directors of the Ontario Guild of Town Criers.

Guidelines

(C)

Miscellaneous

- (i) The Ontario Guild of Town Criers, its Board of Directors, and its Committees should, on an ongoing basis, review their procedures in order to continually provide positive reinforcement, arising from membership in the Guild, thereby insuring that membership in the Ontario Guild of Town Criers continues to be valued and prized by its membership. The following are recommended for immediate implementation:
 - (a) Plaques, Certificates and other materials suitable for public display, arising from membership in the Ontario Guild of Town Criers of a duly appointed Town Crier, should, wherever possible, be presented to the appointing Municipality in such a manner as to permit Guild representation at a public meeting of the appointing Municipal Council, etc.; and
 - (1) Such plaque, certificate or other materials suitable for public display shall be revocable and shall remain the property of the Ontario Guild of Town Criers, and should be so endorsed on its respective reverse side.
 - (2) Annually, a letter from the Guild should be sent to the members' appointing Municipality, etc., requesting acknowledgement of the members' appointment, continuation or re-appointment.
 - (3) Upon receipt of the Municipality's reply confirming the members' good standing, an attachment item, bearing an effective date or other yearly designation, should be forwarded to the Municipality, along with a request for attachment to such designated Guild plaque, certificate, or other materials suitable for public display.
 - (b) The applicable Ontario Guild of Town Criers' Committees, in Cupertino with the respective Host Crier(s), should be encouraged to continue their efforts in sending an acknowledgement of members' attendance at Guild sanctioned events, back to the participant's Municipality, unless requested to the contrary, by the respective member. This acknowledgement should reflect the value of the participant's contribution to the event and their good work(s) on behalf of their home community but shall not reflect a placing, unless so requested by the member.