

# BYLAWS

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## **BY-LAW # 1 - USE OF UNIONIZED BUSINESSES**

*(adopted July 23, 2003)*

- B 1.1 The Association will use competitive unionized businesses for all services when available.

## **BY-LAW #2 - MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE**

*(adopted July 23, 2003)*

- B 2.1 Communications and documents distributed to all members of the NEC or of its Sub-committees shall be sent in both official languages.
- B 2.2 The agenda for NEC meetings is established by the President in consultation with the other members of the NEC. Members of the NEC may submit agenda items to the National Office no later than ten (10) working days prior to a regular scheduled meeting.
- B 2.3 All documentation shall be distributed to NEC members five (5) working days prior to a regular scheduled meeting of the NEC, except due to unforeseen circumstances.
- B 2.4 There shall be no regular meetings of the National Executive Committee in the months of July, August and December.
- B 2.5 A special meeting of the National Executive Committee shall be called by the President at the request of any four (4) members of the National Executive Committee. Upon receipt of such request a meeting shall be scheduled as soon as possible.

## **BY-LAW #3 - ELECTIONS AND RESOLUTIONS**

*(adopted November 21, 2014)*

### **ELECTIONS AND RESOLUTIONS COMMITTEE**

- B 3.1 No later than the end of February of each year, the National Executive Committee (NEC) shall issue a call to all Regular and Pending members asking for volunteers to set up an Elections and Resolutions Committee. The NEC shall confirm the composition of the Committee at its regular meeting in April, which shall include at least one member of each bargaining unit represented by the Association. Members of the Elections and Resolutions

Committee shall not campaign in support of or against a candidate nor publicly divulge their opinion on a resolution. They shall still be able to exercise their individual right to vote. The Committee shall have the right to revoke the appointment of a Committee member as a result of non-compliance with provisions of these By-Laws pertaining to their responsibilities. Such an action shall require two thirds (2/3) of the votes cast. The NEC replaces the person thus removed with a Regular or Pending member from the same bargaining unit.

B 3.2 The Elections and Resolutions Committee shall have complete and full jurisdiction over the election process, in accordance with these By-Laws and Constitution. Non-compliance with these By-Laws may result in the nomination of a candidate being revoked by the Committee. Except where otherwise noted in these By-Laws, any decisions made by the Committee shall be the result of a majority vote.

B 3.3 In accordance with these By-Laws the Elections and Resolutions Committee shall create a nomination form and, no later than June 1 in an election year, shall issue a call by regular mail and/or other means of communications for candidates for positions to be filled in accordance with Article 17 of the Constitution. The nomination form shall accompany this notification.

## NOMINATIONS

B 3.4 All nominations to a Director's position shall be supported by one (1) Regular or Pending member of the Association. All nominations to the positions of President and Vice-President shall be supported by ten (10) Regular or Pending members of the Association. In each case, nominations shall not be accompanied by more supporting names than the number required.

B 3.5 On the nomination form, candidates shall clearly indicate the following: position sought, name, home department, bargaining unit and telephone number where they can be reached during regular working hours; and the form must be signed. Anyone supporting the nomination of a candidate pursuant to B 3.4 is required to provide the same information and sign the nomination form.

B 3.6 The nomination form may be provided in print or electronically and accompanied by two pages (8 1/2 x 11) of text using Arial 12 point font or equivalent in which the candidate may provide a biography, his/her reason for running, contact information and a website address. If the candidate does not provide the required documents in both official languages, the Association shall have the

presentation document translated. The candidate shall be allowed five (5) working days to review the translation produced by the Association.

- B 3.7 Completed nomination forms in any format with verifiable signatures shall be received at the National Office no later than September 1st. The Elections and Resolutions Committee shall verify all information provided and confirm the candidate's eligibility no later than September 15th. Candidates will be expected to observe recognized standards of conduct throughout an election campaign both in verbal and written communications.

#### ELECTIONS CALENDAR AND COUNTING OF BALLOTS

- B 3.8 After consultation with the candidates, the Elections and Resolutions Committee shall organize one public debate.
- B 3.9 Rulings of the Elections and Resolutions Committee may be appealed in respect to:
- a) A decision regarding candidate's material (3.6);
  - b) A decision regarding candidate's eligibility (3.7).

Appeals shall be heard by a sub-committee of the NEC, composed of members who are not candidates or nominees in the current election. The sub-committee may invite a representative of the Elections and Resolutions Committee to provide advice. To reverse a decision made by the Elections and Resolutions Committee, the sub-committee shall require a majority of the votes cast.

- B 3.10 The Committee shall establish an elections schedule. The voting period shall end ten (10) working days after the Annual General Meeting. The counting of votes will take place on the eleventh (11th) working day after the Annual General Meeting. Results shall be announced on the twelfth (12th) working day after the Annual General Meeting.
- B 3.11 Once the Committee has certified the results of the vote, candidates shall be informed and the information shall be posted on the Association's website.
- B 3.12 Candidates shall be granted five (5) working days to appeal the results of an election. The Elections and Resolutions Committee shall investigate the complaint and render its decision within ten (10) working days following receipt of the complaint. The Committee may decide to do a recount or to take any other measure deemed appropriate in order ensure the transparency, honesty and integrity of the electoral process.

## RESPONSIBILITY FOR THE VOTING PROCESS

- B 3.13 The National Office is responsible for managing the voting process on resolutions that go to the general membership or to the membership of a bargaining unit, including proposals for changes to the Association's Constitution and By-Laws and ratification votes on a tentative agreement at the bargaining table.
- B 3.14 The National Office is responsible for managing the voting process for the election of national and local officers.

## GENERAL VOTING PROVISIONS

- B 3.15 Voting, whether for the election of an officer of the Association, for the approval of a resolution or for any other matter, must be organized and carried out in a manner that respects the following values and objectives: fairness, confidentiality, transparency, and independence from the interference of interested parties.
- B 3.16 Members authorized to vote will be entitled to reasonable accommodations if the chosen means for voting proves a barrier to their participation in the voting process.

## ELECTRONIC VOTING

- B 3.17 Electronic voting means to vote by using a computer or similar electronic device which is connected to the internet and linked to a secure web site designed to provide online voting.
- B 3.18 Voting by telephone is not available.
- B 3.19 The electronic voting instrument will be provided by an independent service provider chosen by the National Office and approved by the Elections and Resolutions Committee.
- B 3.20 The National Office will provide members, on request, with an explanation of how the voting instrument chosen for a vote meets the requirements of By-Law 3.15.
- B 3.21 The National Office will provide the service provider with all information, including membership information, in order to allow the service provider to establish the electronic vote, accept and control on line voting, and report on the results of the vote to the Elections and Resolutions Committee.
- B 3.22 Some of the information required:
- a) Information on the date and time of the election;
  - b) Information on when voting will open and close;

- c) Information which links each bargaining group member to the candidate for whom they are authorized to vote;
- d) Information on the candidates;
- e) Information on the membership which allows the service provider to link the member to a voting control number;
- f) Other information as required by the service provider to manage the electronic voting process.

B 3.23 The service provider's system will confirm the web site visitor's right to vote, accept their electronic vote, store the electronic vote until closing time of the poll and then report the results to the Elections and Resolutions Committee.

#### NEW - REGULAR MAIL VOTING PROCESS

B 3.24 The mail-in vote shall be cast using the system of "double envelopes". Only envelopes with a ballot inserted in an internal envelope and accompanied in the external envelope with a completed voter registration card signed by the voting member certifying his or her membership status shall be accepted. Any other envelope shall be considered a rejected envelope.

B 3.25 Blank ballots or ballots containing more votes than the maximum number of votes possible or any ballot containing a message or inscription other than the vote shall be considered as a spoiled ballot. Ballots containing fewer votes than the maximum number of votes possible shall be considered as valid.

B 3.26 Only valid ballots shall be used to calculate the percentage of votes cast for each candidate. The Elections and Resolutions Committee will report on the number of spoiled ballots and rejected envelopes.

B 3.27 Only members of the Elections and Resolutions Committee and designated staff shall be authorized to handle and open the envelopes containing the ballots and then handle the ballots.

B 3.28 Ballots shall be kept for thirty (30) working days following confirmation of the results by the Committee.

#### NEW - SCRUTINEERS

B 3.29 It is the responsibility of the candidate to advise the Elections and Resolutions Committee of the name of their one (1) scrutineer, in writing, at least five (5) working days prior to the voting deadline.

B 3.30 Scrutineers will be provided with a copy of the voting results and a copy of a report from the service provider confirming steps taken to ensure the accuracy of the results.

B 3.31 Scrutineers appointed for counting of the votes in the case of elections or a resolution shall be reimbursed for their relevant reasonable expenses. Such expenses must receive prior approval from the National Office.



- B 3.32 Request for approval shall be submitted by scrutineers at least ten (10) working days before counting of the votes.
- B 3.33 Living and travel expenses shall be reimbursed pursuant to rates and terms established in the National Joint Council's Travel Directive. Leave without pay for union affairs shall also be reimbursed, where appropriate.

## RESOLUTIONS

- B 3.34 In accordance with these By-Laws, the Elections and Resolutions Committee will receive resolutions to be discussed at the Annual General Meeting (AGM). A resolution shall be subject to a vote by the membership of the Association. To pass, it must be approved by a majority of votes cast.
- B 3.35 All resolutions shall be submitted by two (2) Regular or Pending members. Authors of the resolutions shall clearly indicate their name, their home department, bargaining unit and a telephone number where they can be reached during regular working hours, and sign their submission. The resolutions and accompanying remarks shall not exceed a one page (8 1 /2 x 11) text using Arial 12 point font or equivalent. The text shall not refer to any list nor mention individuals or locals who are in support of the resolution. If the authors of the resolution do not provide the document in both official languages, the Association shall have the document translated. The authors shall be granted 5 working days to review the translation produced by the Association.
- B 3.36 Resolutions in any text medium format with verifiable signatures shall be received at the National Office. Resolutions must be received ninety (90) days before the AGM. Once resolutions have been received and their admissibility confirmed in consultation with the President, the National Office shall organize a vote concurrent with the elections schedule.
- B 3.37 All resolutions will be reviewed by the Finance Committee for monetary implications.
- B 3.38 If the Finance Committee determines that implementing a resolution will require funds not available in the current budget; it will inform the authors of the resolution and offer them an opportunity to make changes to the resolution before it is sent to the membership. Any changes must be received sixty-five (65) days before the AGM.
- B 3.39 The Finance Committee has the authority to amend any resolution to include a special levy or budget amendment to ensure that the funds are available to implement the resolution.
- B 3.40 Authors of the resolution may delegate one (1) scrutineer to the counting of votes. All other provisions under paragraphs B 3.11 to B 3.36 inclusive shall apply, mutatis mutandis, excluding B 3.14.

## BY-LAW # 4 - LOCALS

*(adopted December 21, 2017)*

- B 4.1 A Local may choose to receive an annual rebate to finance its activities or to have its expenses paid by CAPE.
- B 4.2 The rebate is paid out once a year, at the written request of the Local to the National Office.

- B 4.3 The rebate is paid based on the number EC, TR, or LoP dues-paying employees working in that Local according to the table below:
- 1 - 25 members: \$500
  - 26 - 50 members: \$750
  - 51 - 75 members: \$1,000
  - 76 - 100 members: \$1,500
  - 101 - 500 members: \$2,750
  - 501 - 1000 members: \$4,500
  - 1001 - 1500 members: \$6,000
  - 1501 - 2000 members: \$8,000
  - 2000 plus members: \$9,000
- B 4.4 Any Local may apply for additional funds where its annual allotment is insufficient for planned expenses. Such application must be submitted to the NEC before expenses are incurred. The NEC shall consider such application at the meeting immediately following its submission. The Local may not incur additional expenses as long as the NEC has not made a determination on its application.
- B 4.5 Should a Local choose not to receive an annual rebate, its reasonable operating expenses are paid by CAPE. Any outlay in excess of \$500 must be pre-approved by CAPE's National Office.
- B 4.6 Authorized travel to attend meetings or courses offered by the Association are reimbursed by CAPE.

#### FISCAL ACCOUNTABILITY

- B 4.7 Locals which receive a rebate shall submit to the Association every six (6) months all receipts and supporting documents, except receipts for food or meeting rooms, and an annual financial report with copies of receipts and supporting documents attached. Locals must meet all financial accountability requirements herewith set out prior to issuance of a rebate for the following fiscal year.

#### **BY-LAW # 5 - DISCIPLINE**

*(adopted December 21, 2017)*

- B 5.1 National Executive Committee (NEC), pursuant to clause 6.6 of the Constitution, shall have the authority to expel, suspend or remove from office any Regular or Pending member who contravenes any provision of these By-Laws or the CAPE Constitution. NEC members shall be removed from office in accordance with Article 19. Any complaint under By-Law 5 being filed by a current NEC member requires the support of two additional NEC members prior to being admissible.
- B 5.2 A member having committed any of the offenses listed below may be penalized as provided in paragraphs B 5.1 and B 5.3 of this By-Law.
- Violating any provision of the By-Laws and Constitution.

- Acting in a manner that is contrary to the solemn declaration.

- Instituting, urging or advocating that a member institute action in court against this Association or any of its officers without first exhausting all remedies through appeal within the organization.
- Publishing or circulating among the members' false reports or willful misrepresentations.
- Working in the interests of another union against CAPE. However, associating with members, officials or staff of another union is not in itself reason for discipline.
- Slandering, libeling or willfully wronging any member of this Association.
- Using abusive language or disturbing the peace of any meeting of this Association.
- Fraudulently receiving money due to this Association or any of its Locals or misappropriating the monies of this Association or any of its Locals.
- Using the name of a Local of this Association or the name of this Association for soliciting funds, advertising and the like, without the consent of the Local concerned or the NEC of this Association respectively.
- Furnishing a complete or partial list or any information on the membership of this Association or of any Local to any person or persons other than those whose official position entitles them to have such a list.
- Deliberately interfering with an official of this Association in the discharge of their duties.
- Any other conduct prejudicial to the good order and welfare of CAPE or its members.

B 5.3 A complaint in writing must be received by the National Executive Committee (NEC) within ninety (90) calendar days of the alleged offence having occurred or within ninety (90) calendar days of it having come to the attention of the complainant.

B 5.3.1 The NEC, at its first meeting after an election, shall establish a Complaints Review Committee (CRC).

B 5.3.2 The CRC shall be composed of no more than five (5) members and not fewer than three (3) members. The members shall be selected from members of the Local Leadership Council (LLC) who are not members of the NEC.

B 5.3.2.1 Members of the CRC are required to have completed CAPE's (investigation course) in order to be a member of the CRC.

B 5.3.2.2 If three (3) members of the LLC do not volunteer for the CRC then the matter shall be returned to the NEC who shall appoint the three (3) person investigative committee pursuant to 19.3.

- B 5.3.3 Any complaint in writing that is received by the National Office shall immediately be forwarded to the CRC for review. Any CRC member with a real or apparent conflict of interest shall recuse themselves from the CRC.
- B 5.3.4 The CRC shall review the complaint within thirty (30) working days to determine:
- a) is the alleged offense covered under this by-law; or
  - b) is the alleged offense frivolous, vexatious or in bad faith.
- B 5.3.5 When circumstances warrant, the CRC shall recommend that the NEC engage the services of an outside investigator to assist with or conduct the review under the supervision of the CRC.
- B 5.3.6 The NEC shall vote on any such recommendation from the CRC at its next regular scheduled meeting.
- B 5.3.7 Following the review, the CRC shall provide its recommendation and rationale in writing to the NEC and the Complainant.
- B 5.3.8 The NEC, at its next monthly meeting, shall vote (by simple majority) on the CRC recommendation. The options for action are outlined below.

Table 1 - CRC/NEC Options

Option No.	CRC Recommendation	NEC Decision	NEC Action
1A	Yes, proceed with investigation	Approves	Establish a 3-person subcommittee
1B		Does not approve	No further action
2A	No, do not proceed to an investigation.	Approves	No further action
2B		Does not approve	Establish a 3-person subcommittee

- 5.3.9 If the NEC adopts option 1A or option 28, then it shall establish a subcommittee composed of three (3) NEC members to investigate the complaint.
- 5.3.10 The sub-committee shall meet with the Complainant and the Respondent separately.
- 5.3.11 Upon completion of its investigation, the sub-committee shall make a recommendation to the NEC.
- 5.3.12 If the complaint is against the President of the Association, he/she (during consideration of the complaint by the NEC and the CRC) shall delegate his/her authority related to the complaint itself and the

complaint process under Article 9 of the Constitution to a member of the NEC who will be chosen by the NEC.

- B 5.4 A Local directly affected may request the presence of one of the National Executive Officers at one of their meetings to explain the cause of the suspension action.

## **BY-LAW # 6 - COMMUNICATION OF ASSOCIATION**

*(adopted January 22, 2004)*

- B 6.1 No representative may use the name of the Association or their title as a representative of the Association except with respect to the official business of the Association.
- B 6.2 Any statement made by a representative of the Association shall be consistent with the Constitution, By-Laws and policies of the Association.

## **BY-LAW # 7 - COLLECTIVE BARGAINING**

*(adopted February 26, 2004)*

### **B 7.1 COLLECTIVE BARGAINING COMMITTEE**

- B 7.1.1 The NEC will strike a Collective Bargaining Committee (CBC).
- i. The NEC will call for volunteers from the general membership of the appropriate bargaining unit no later than three (3) months prior to the earliest date for notice to bargain. The call for volunteers to negotiate the TR Financial Incentive Program will be made no later than 6 months prior to the expiry of the agreement.
  - ii. Members of the NEC may volunteer to be on the CBC.
  - iii. Volunteers will submit their reasons for wanting to serve on the CBC.
  - iv. The NEC will appoint no more than eighteen (18) members to the EC CBC, no more than ten (10) members to the TR CBC and no more than five (5) members to the Library of Parliament (LoP) CBC.
  - v. The negotiator, as defined in paragraphs 9.2 and 9.12 of the Constitution and paragraph 7.3 of the By-Laws, is an ex officio member of the CBC.
- B 7.1.2 The NEC will endeavour to choose the members of a CBC in a manner that will allow the committee to reflect the demographic and professional composition of the bargaining unit, and negotiate effectively on behalf of the members.
- i. Demographic and professional factors to be considered include the following: gender, years of service, regional representation, departmental representation, occupational interests.

- ii. To negotiate effectively on behalf of the members means that the member (1) has taken or is prepared to take the appropriate training offered by the Association, or has served on previous CUPTE, SSEA or CAPE bargaining committees; (2) has a good knowledge of the collective agreement; and (3) is judged capable of making a positive contribution to the bargaining process.

B 7.1.3 The roles of the CBC are to prepare proposals (positional bargaining) or define problems (interests-based bargaining), select the members of the Collective Bargaining Team, work to an agreement or reject a final offer from the employer.

B 7.1.4 The preparation of proposals or the definition of problems means exclusively:

- i. To review proposals or problems brought to the committee by the National Office as a result of input from members and research.
- ii. To refine and select proposals or problems according to the will expressed by the membership and according to recommendations from the professional staff on the CBC.
- iii. To act upon requests from the negotiator to prepare a proposal or to define a problem.
- iv. To discuss, then communicate to the bargaining team the impact of contemplated changes to the collective agreement on the working conditions of members.
- v. On its own initiative, where two-thirds of the CBC including the negotiator agree, the CBC may discuss and add new proposals or problems.

B 7.1.5 Attendance at CBC meetings in person or otherwise is a requirement. The CBC may ask the NEC to remove from the Committee a member who misses meetings regularly.

## B 7.2 THE COLLECTIVE BARGAINING TEAM (CBT)

B 7.2.1 The CBC will choose from among its members the members of the Collective Bargaining Team (CBT). The negotiator, as defined in paragraphs 9.2 and 9.12 of the Constitution and paragraph 7.3 of the By-Laws, is an ex officio member of the CBT.

B 7.2.2 The CBC will apply the criteria enunciated in sub-paragraph 7.1.2 in order to choose the members of the Bargaining Team.

B 7.2.3 A CBC will select no more than six members for the CBT of the EC bargaining unit or the CBT of the TR bargaining unit, in addition to the negotiator. It may choose up to 2 alternates.



B 7 .2.4 The CBC will select no more than four members for the CBT of the LoP bargaining unit, in addition to the negotiator. It may choose up to two (2) alternates.

B 7.2.5 The roles of the CBT are exclusively:

- i. To review, discuss and approve bargaining strategies.
- ii. To negotiate in good faith.
- iii. To recommend a tentative agreement to the CBC or to recommend rejection of a final offer and referral of outstanding issues to arbitration or conciliation.

### B 7.3 THE NEGOTIATOR

B 7.3.1 The negotiator, as defined in paragraphs 9.2 and 9.12 of the Constitution, is a member of the CBC and of the CBT.

B 7.3.2 The negotiator is responsible for leading the CBC and the CBT.

B 7.3.3 The negotiator can override a decision of the CBC or of the CBT if the negotiator judges that a decision is arbitrary, discriminatory, in bad faith, detrimental to the interest of the bargaining unit or the Association, or in contravention of the Constitution or By-Laws of the Association. The matter must be discussed with the committee prior to a decision being rendered. Reasons for the override must be provided both to the committee and to the NEC in writing.

B 7.3.4 The negotiator will chair the meetings of the CBC and of the CBT, according to the rules of order chosen by the Association.

B 7.3.5 The negotiator will inform the NEC regularly on progress with the preparation and conduct of bargaining.

B 7.3.6 The negotiator will inform the CBC regularly on bargaining table progress.

### B 7.4 PROFESSIONAL SERVICES

B 7.4.1 The National Office is responsible for all technical and professional aspects of collective bargaining including decisions requiring an expert knowledge of labour relations.

B 7.4.2 The National Office is accountable to the NEC through the office of the President on matters regarding all professional functions related to bargaining.

B 7.4.3 The National Office will initiate preparations for the bargaining table no later than 5 months prior to the earliest date for notice to bargain.

B 7.4.4 The National Office carries out research and analysis as requested by the negotiator.

## **BY-LAW # 8 - TRAVEL AND LIVING EXPENSES**

*(adopted February 26, 2004)*

- B 8.1 Reasonable travel and living expenses of members of the NEC, of the Local leadership, of bargaining committees and other committees of the Association shall be reimbursed to allow them to attend meetings of these bodies; authority to travel and an estimate of expenses must receive prior approval from the National Office. Expenses shall be reimbursed pursuant to rates and terms established in the National Joint Council Travel Directive.
- B 8.2 Where members from outside the National Capital Region wish to attend General Meetings as defined in Articles 27 and 28 of the Constitution, the number of people for whom expenses will be reimbursed shall be determined by the NEC.

## **BY-LAW # 9 - RULES OF PROCEDURE**

*(adopted February 26, 2004)*

- B 9.1 Meetings of the Association shall be governed by the latest edition of Bourinot's Rules of Order. Additional rules of procedures may be adopted through By-Laws.
- B 9.2 Any member in a meeting may appeal a decision from the Chair, except in cases of interpretations of the Constitution made by the Association's President in accordance with Clause 9.3 of the Constitution. Two thirds of members present must vote against the Chair's decision for it to be reversed.

## **BY-LAW # 10 - RETIRED MEMBERS**

*(adopted November 29, 2011)*

- B 10.1 The National Executive Committee may appoint a retired member of CAPE or its predecessors as a non-voting advisor to any sub-committee of the Association. Only former members who were members in good standing when they left the Association may be appointed.

## **BY-LAW # 11 - SOLEMN DECLARATION**

*(adopted December 9, 2010)*

- B 11.1 "I, \_\_\_\_\_, having been (elected or appointed) an officer of CAPE, solemnly declare that, for my term of office, I shall abide by and uphold the Constitution and By-Laws of the Canadian Association of Professional Employees. I will faithfully, and to the best of my abilities, fulfill the duties and responsibilities incumbent upon me as an officer and will always keep confidential all internal matters concerning the Association that are brought to my attention. At the completion of my term of office, I will promptly deliver all books, paper, monies or other property of the Association in my possession to my duly elected successor."

- B 11.2 As per clause 18.4 of CAPE's Constitution, the execution of the solemn declaration will consist of reading the declaration, signing the declaration and sending the original signed declaration or a copy to the National Office before January 1<sup>st</sup> following the election. The original signed declaration must be provided to the National Office no later than five (5) working days prior to the first meeting of the National Executive Committee in January.
- B 11.3 If a member is appointed to the National Executive Committee by the NEC, then the member must provide a signed copy of the declaration to the National Office no later than five (5) working days prior to taking office as a member of the NEC.
- B 11.4 As per clause 21.4 of CAPE's Constitution the execution of the solemn declaration will consist of reading the declaration, signing the declaration and sending the original signed declaration to the National Office before taking office as a local leader.

**BY-LAW # 12 - LOANS TO MEMBERS**

*(adopted November 29, 2011)*

- B 12.1 Neither, the CAPE National Office, its employees or volunteers, nor a CAPE Local, its executive or members, shall loan any membership monies or other valuables to any member of CAPE or any other party.
- B 12.2 Loan means to lend to someone temporarily, on condition that it be returned or repaid at a later date, a sum of money or other valuable from the CAPE National Office or a CAPE Local.

**BY-LAW # 13 - CONSTITUTIONAL AMENDMENT PROCESS**

*(adopted December 21, 2017)*

**B 13.1 PETITION TO AMEND THE CONSTITUTION BY ANY REGULAR OR PENDING MEMBER, OR LOCAL.**

- B 13.1.1 The petitioner shall submit the original petition including the name and contact information of the sponsor to the National Office by postal mail, courier or by hand.
- B 13.1.2 Signatures, as it relates to this By-Law, means an original hand-written signature.
- B 13.1.3 The National Office will provide a receipt to the sponsor(s) of the petition.
- B 13.1.4 The National Office will verify the names on the petition are Regular or Pending Members and ensure the appropriate count of supporters.
- B 13.1.5 The National Office will place the petition on the Agenda of the next monthly meeting of the National Executive (NEC).

- B 13.1.6 The NEC will accept the petition and send the petition to the Constitution and By-Laws Committee (CBC) for review and recommendation.
- B 13.1.7 The CBC will, at its next monthly meeting, place the petition on its Agenda and conduct a review of the petition to determine its impact on CAPE's Constitution and By-Laws. The CBC has 60 days from the date of the CBC meeting where the petition was placed on the agenda to complete the review.
- B 13.1.8 On completion of the review the CBC will return the proposed amendments to the NEC with a recommendation on the amendment's constitutional validity.
- B 13.1.9 The NEC will then vote on the proposed amendment(s) constitutional validity. A majority vote of those present is required for approval. If the proposed amendment is found to be constitutionally valid the NEC will refer the proposed amendment to the membership for a vote.

#### **B 13.2 PROPOSAL TO AMEND THE CONSTITUTION BY THE NATIONAL EXECUTIVE COMMITTEE (NEC)**

- B 13.2.1 Upon receiving a proposal from a member or members of the NEC, the National Office will place the proposal to amend the Constitution on the agenda of the next monthly meeting of the National Executive Committee (NEC).
- B 13.2.2 The NEC will discuss the proposed amendment to the Constitution and vote on referring the proposed amendment to the Constitution and By-Laws Committee (CBC) for review and recommendation.
- B 13.2.3 The CBC will, at its next monthly meeting, place the NEC's proposed amendment to the Constitution on its agenda, and conduct a review of the proposed amendment to determine its impact on CAPE's Constitution and By-Laws. The CBC has 60 days from the date of the CBC meeting where the proposed amendment was placed on the agenda to complete its review.
- B 13.2.4 On completion of its review the CBC will return the proposed amendment to the NEC with a recommendation on the advisability and constitutional validity.
- B 13.2.5 The NEC will then vote to recommend the proposed amendment to a vote of the membership. A two-thirds vote of those present is required for approval, as per Clause 36.3 of the Constitution.

#### **B 13.3 EXCEPTIONS**

Refer to Article 15 of the Constitution.

## **BY-LAW # 14 - SUSPENSION DUE TO ABSENTEEISM**

*(adopted November 29, 2011)*

B 14.1 The objective of this By-Law is to describe the process by which the National Executive Committee (NEC) can suspend a member of the NEC or a member of one of its sub-committees from membership in the NEC itself or one of its sub-committees due to absenteeism from meetings.

### **B 14.2 DEFINITIONS**

Suspension means to deprive an elected or appointed member of the NEC or of a NEC sub-committee of their right to attend meetings or receive information for a specified period of time.

Absenteeism is the habitual failure to attend meetings of the NEC or NEC subcommittee.

Habitual occurrence of absence for the purpose of this By-Law means:

- a) The NEC Member has missed 3 consecutive regular NEC meetings; or
- b) The NEC Member has missed 3 of the last 4 regular NEC meetings.
- c) The Member of the NEC sub-committee has missed 3 consecutive regular meetings; or
- d) The Member of the NEC sub-committee has missed 3 of the last 4 regular NEC sub-committee meetings.

### **B 14.3 SUSPENSION PROCESS - NATIONAL EXECUTIVE COMMITTEE (NEC) MEMBER**

B 14.3.1 The President, on their own motion or as identified by a NEC member, will place the matter of absenteeism on the agenda of the next monthly NEC meeting.

B 14.3.2 The President will forthwith advise the NEC member in question that the issue of his or her absenteeism has been identified, that it will be addressed at the next monthly NEC meeting, and invite the NEC member to provide a justification for his or her absences in writing and/or in person at the NEC monthly meeting.

B 14.3.3 At the NEC monthly meeting addressing the absenteeism, the President will:

- a) Speak to the matter identifying the member;
- b) If the NEC member in question is in attendance, invite the member to address The NEC to explain his or her absences;
- c) If written submissions have been provided by the NEC member in question, subject to any privacy concerns, provide copies of the submissions to NEC members in attendance;
- d) If, after considering any justification provided, a suspension is still requested, state the end date of the suspension; and

- e) Call the motion for suspension to be voted on by the NEC.
- B 14.3.4 If approved by a 2/3 majority of the NEC the period of suspension begins immediately.
- B 14.3.5 The National Office will advise the NEC Member of the suspension in writing.
- B 14.3.6 If the motion for suspension is not approved by the NEC, the matter of absenteeism of the NEC member cannot be placed back on the agenda until the 2<sup>nd</sup> NEC meeting after the meeting in which the vote was taken.
- B 14.3.7 If a vote of suspension against a NEC member fails twice, the matter cannot be placed back on the agenda of the NEC for the remainder of the member's term of office.

#### B 14.4 SUSPENSION PROCESS - NEC SUB-COMMITTEE MEMBER

The Chair of the NEC Sub-Committee will provide a written recommendation to the President of CAPE for the suspension of a NEC sub-committee member. The recommendation will include the rationale for and the recommended period of suspension. The President will then pursue the suspension process, set out in 14.3 of this By-Law, at the next monthly meeting of the NEC.

#### B 14.5 QUORUM

Following a suspension, a suspended member does not count in the calculation of the quorum required for meetings of the NEC or of a sub-committee.

#### B 14.6 SUSPENSION PERIOD

Suspensions from membership in the NEC itself or one of its sub-committees will range from 3 months to 12 months in length. In determining the length of suspension to be imposed, aggravating and mitigating factors will be considered.

#### B 14.7 TERMINATION OF A SUSPENSION

A suspension from the NEC itself or one of its sub-committees ends upon the earliest of the following events:

- a) the date of expiry of the imposed suspension;
- b) the date of expiry of the member's term of office;
- c) the effective date of the member's removal from office in accordance with Article 19 of the Constitution; or
- d) the effective date of the member's resignation from the NEC itself or one of its sub-committees.