

Constitutions and Bylaw Committee

Minutes from December 21, 2015 meeting

Present: E. Tremblay, D. Petriu, I. Borré, T. Bujaczek (tel.), S. Morton, N. Pothier, L.M. Smith, J. Squires (tel.), M. Stiermann, L. Truswell (secretary).

Regrets: V. Clermont, N. Giannakoulis, A. Picotte

Chair opened at 17h40

An agenda will be provided for future meetings.

1. Bylaw 5

NEC has asked that the CBC review Bylaw 5 in order to establish a quick fix to a relatively convoluted and dysfunctional Bylaw 5. Ideally, if the CBC can get back to the NEC in January with its recommendation, a new Bylaw 5 can be put in place by a vote of the NEC and confirmed through a membership vote in November, or superseded by the overall Constitutional Review process.

There are 2 main parts to bylaw 5,

- i. What are the grounds for discipline
- ii. What is the process for discipline

It was suggested to add a heading under authority to include a preliminary disposition to make summary judgements on a complaint in an expedited fashion. This would weed out any frivolous complaints.

Could the complaint process be a way for people to appeal the constitutional interpretation by the President, assuming that the president will retain that role following the review of the constitutions and bylaws?

PSAC has a standing committee for complaints and we would like to not go down that path. For the NEC to convene a subcommittee is a waste of resources. If there is a way to address a complaint and the president has ruled and it is primarily a question of interpreting the constitution, then a member cannot complain about it.

What are we trying to accomplish with this process? That we would have a preliminary assessment stage prior to NEC doing investigation? Could be labour intensive to have the NEC reviewing the case as is suggested in the current draft.

Members indicated they did not want one single person making the decision and would prefer for it to be a small group.

If we add another committee we would then have 3 committees:



- One to vet if complaint is frivolous or vexatious
- One to do the review
- And another for the appeal process

Through any process, we need to ensure procedural fairness.

Action - Mathieu Stiermann volunteered to draft a para to circulate by mid-January that would include a pre-screening step.

Action – Next meeting to be held Tuesday, January 12th, 2016, 5:30 p.m.

Action – All written comments to be submitted by January 4th, 2016 so that any suggested changes can be submitted to the January NEC. Translated text will need to be sent to the NEC no later than January 17th, 2016.

2. Terms of Reference (TORs) for the Defense and Strike Fund (D&SF)

TORs for the CAUT Defense fund were provided in the email. The shorter document gives a broad perspective of what it can be used for, how they fund it, etc. It has complexities related to having a multiple player fund which requires very strict governance. We can use these examples as a template.

At the LLC, members asked about being consulted about the ToRs. The MJAC and Finance Committee each have a role in this endeavor. Questions such as how do we accumulate money to fill the fund, the legalities and guidelines to invest the funds and what they could be used for, will need to be examined.

Given that the Constitution and Bylaws deal with how the moneys are spent by the Association, the CBC would take the lead on this.

MJAC already has a role to recommend what job actions are to be taken. It was to part of the original TORs of the MJAC to develop strike protocol, which should include clear instructions on when funds can be drawn from the D&S Fund, hence a specific role for MJAC in establishing the TORs.

Guidelines for investing the fund would fall under the finance committee.

General parameters were provided at the time of the budget vote, where we indicated to members what the Fund could be used for or not (e.g. not for political advertising). The term Defense can be in the form of job action or can mean legal defense. The LOP just went through arbitration for their collective agreement. Arguably we could be relying on a D&S fund to generate the money needed for the legal fees associated with interest arbitration because it is defending our members' interests in the context of collective bargaining. Bringing this perspective to the mix would probably make the D & S Fund more attractive to the more conservative segments of the membership, when comes the time to explore the notion of a levy or dues increase to finance the Fund.

A brief discussion ensued as to how to structure the framework. We need:

- a mission statement for the Defence and Strike fund;
- the purpose of the Fund;
- the governance structure; and
- who gets to decide how the Fund is spent.

By default the NEC would be the deciding body. Rules on how the funding for the fund is accumulated could be done as a one-time levy, an ongoing amount or percentage per month as part of the dues.

Discussion could include such things as whether the D&S Fund could be used to purchase real estate. Owning vs renting office space should be part of the discussion. The current CAPE investment policy does not allow investments into real estate equity at this time.

PIPSC asked membership to give \$10/mth for 3 years and continued to receive it beyond that timeframe with support from the Membership. We could add by default that any surplus at the end of a fiscal year would be allocated to the D & S Fund.

It was suggested to have a joint committee meeting with several of the other committees in the months to come. This would allow to clarify the specific parameters for each committee's role in the process and a timeline to develop the Terms of Reference.

Action – At an upcoming CRC meeting, allow the MJAC chair to present the Committee.

Action – D. Petriu will prepare a template for the TORs of the D&S Fund to be discussed at the next meeting in January.

3. Initiating the Constitution and Bylaws Review

Members hesitate between doing a review of the existing C&B with an aim of identifying weaknesses and ways to improve them or to start from scratch.

If the former is retained, we would spend the day in 4 parts to focus on the following:

Going over the existing C&B to identify weaknesses

- Possible areas of improvement
- Structure (President, NEC and Committees duties and powers)
- Money

If starting from scratch, we should look around for models that are relevant to an organization of our size.

Action – It is proposed to book February 8th as a full day meeting to start this process at CAPE HQ.

4. Scheduling CBC meetings

Action –The CBC will meet on the 2nd Monday of every month @5:30p.m. as of Feb 8th, 2016.



Meeting adjourned at 7PM.