

Constitution and By-Laws Committee Minutes
January 20, 2012
CAPE National Office
Boardroom
10:00 a.m.

Present: M. Zinck (Chair), S. Mullen, A. Picotte, P. Rosen, C. Poirier, C. Danik, J. Ouellette and D. Martin.

Apologies:

1. Approval of Agenda

M. Zinck requested to add under New Business – Chairperson for the March meeting.

2. Approval of Previous Minutes

October 26, 2011

Consensus: to add the new text in red font under item 5 b) in paragraph 2.

Have a discussion at the November meeting and then invite Raija Pulkkinen to discuss what **elements to review** in the Constitution and By-Laws in January.

November 30, 2011

Consensus: due to no quorum that these should be called a “Summary of Discussion”.

3. Matters Arising

3 a) Development of a removal process

Removal from office of a NEC member by the membership

19.1 Notwithstanding clause 31.1, a Special General Meeting **shall** be called to discuss the removal from office of any member of the NEC by a petition signed by 100 Regular or Pending Members. The meeting shall be held in accordance with clauses 31.2 and 31.3.

~~19.2 Only members of the Bargaining Unit which the NEC member represents shall vote on the motion of removal.~~

19.3 Pursuant to clause 28.9, a member of the NEC shall only be removed from office by a two-thirds majority of the votes cast by the membership.

19.4 A NEC member who has been removed from office by a vote of the membership is permitted to stand as a candidate for the NEC at the next election.

Removal of a NEC Member by the NEC

19.6 A Special meeting of the NEC shall be called at the request, in writing by four members of the NEC to discuss the removal from office of any member of the NEC.

19.7 The motion, to recommend to the membership the removal of a NEC member, must be approved by a two-thirds majority of the votes cast by NEC members in attendance (pursuant to 28.9) to proceed to a vote of the membership.

19.11 A NEC member who has been removed from office by a vote of the Membership is permitted to stand as a candidate for the NEC at the next election.

Consensus: that the above amendments be made and that the amended document be sent to legal counsel for review and then sent to NEC for approval.

3 b) Review mechanism to establish an investigation when a complaint is received at CAPE

5.3.2 The CRC shall be composed of no more than 5 members and not fewer than three members. The members shall be selected from ~~Retired members,~~ and members of the Local Leadership Council who are not members of the NEC.

5.3.4 ~~A panel of 2~~ The CRC members shall review the complaint within 30 working days to determine if:

- a) the alleged offense is covered under ~~the discipline~~ this by-law;
- b) the alleged offense is frivolous or vexatious or in bad faith.

5.3.5 Following ~~their~~ its review, the CRC shall provide ~~their~~ its recommendation and rationale in writing to:

- a) The NEC; and
- b) The Complainant.

5.3.7 If the NEC adopts option 1A or option 2B (~~under B-5-X~~), then it shall establish a sub-committee composed of three (3) NEC members to investigate the complaint.

5.3.8 The sub-committee shall meet with the Complainant and the Respondent separately.

5.3.9 Upon completion of its investigation, the sub-committee shall make a recommendation to the NEC. ~~for action pursuant to the Discipline by law.~~

5.3.10 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 ~~Clause~~ **Article** 9 of the Constitution to a member of the NEC who will be chosen by the NEC.

Consensus: send to NEC for approval

3 c) Filling NEC vacancies – Article 19

Send to NEC for approval.

4. New Business

M. Zinck advised the Committee that this would be his final meeting as Chairperson and that the selection of a new Chairperson will need to be done at the March meeting. He is however remaining on the Committee.

5. Issues tabled for January 2012

5 a) By-Law x.xx NEC vacancy

This item has been completed.

5 b) Review of Constitution and By-Laws by legal counsel

This item is on hold for the time being.

Adjournment

The meeting adjourned at 11.20 a.m.