

Constitution and By-Laws Committee Minutes
April 25, 2012
CAPE National Office
Boardroom
2:30 p.m.

Present: S. Mullen (Chair), N. Giannakoulis, A. Kurikshuk-Nemec, L. Haméon, D. Petriu, A. Picotte, P. Rosen, M. Zinck, D. Martin.

Apologies: T. Bujaczek, S. Gagnon, C. Poirier, C. Danik.

1. Approval of Agenda

Welcome to new members was added.

Consensus: to approve the agenda, as amended.

2. Approval of previous Minutes

It was noted that the meeting started at 1:00 p.m.

Consensus: to approve the minutes, as amended.

3. Matters Arising

3 a) Article 19 – Removal from office

19. Removal from Office

19.1 Notwithstanding clause 31.1, a Special General Meeting (SGM) shall be called to discuss the removal from office of any member of the NEC by a petition signed by not less than 100 Regular or Pending Members. The meeting shall be held in accordance with clauses 31.2 and 31.3, unless an investigation pursuant to By-Law 5.3 is pending or ongoing regarding a member's alleged misconduct. In **such a which** case, the NEC may exercise its power, under clause 6.6 and By-Law 5.1, to suspend the NEC member until the investigation is complete. The SGM regarding the member's removal **will shall** not be held until after such time. Upon completion of the investigation, the SGM **must shall** be held in accordance with the time limits specified in clauses 31.2 and 31.3.

19.4 The NEC shall not re-appoint **during the period of removal**, to the NEC or **one any** of its committees, a NEC member who has been removed from office by a vote of the membership, unless they are re-elected in accordance with **clause** 19.5.

Recommending Removal of a NEC member by the NEC

19.6 A **Sspecial** meeting of the NEC shall be called at the request, in writing, **by of not less than** four (4) 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 clause 28.9, to proceed to a vote of the membership.

19.8 The Special General Meeting (SGM) of the membership to discuss the removal from office of any member of the NEC shall be held in accordance with clauses 31.2 and 31.3, unless an investigation pursuant to By-Law 5.3 is pending or ongoing regarding a member's alleged misconduct. In **such a which** case the NEC may exercise its power, under clause 6.6 and By-Law 5.1, to suspend the NEC member until the investigation is complete. The SGM regarding the member's removal **will-shall** not be held until after such time. Upon completion of the investigation, the SGM **must shall** be held in accordance with the time limits specified in clauses 31.2 and 31.3.

19.11 The NEC shall not re-appoint **during the period of removal**, to the NEC or **one any** of its committees, a NEC member who has been removed from office by a vote of the membership, **unless they are re-elected pursuant to clause 19.12.**

Constitutional amendments required

31.2 An SGM shall be called within thirty working days of the decision of the NEC or receipt of a petition, **unless an investigation pursuant to By-Law 5.3 is pending or ongoing regarding a member's alleged misconduct, in which case the SGM shall be called within thirty days of the completion of the investigation.**

4. New Business

There was no new business.

5. Issues tabled

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

This item is on hold for the time being.

5 b) Draft a resolution to establish a sub-committee to review Local By-Laws

It was agreed to advance this item under Matters Arising for the next meeting.

Adjournment

The meeting adjourned at 4:40 p.m.