

**Constitution and By-Laws Committee Minutes**  
**May 30, 2012**  
**CAPE National Office**  
**Boardroom**  
**1:30 p.m.**

**Present:** S. Mullen (Chair), S. Gagnon, N. Giannakoulis, A. Kurikshuk-Nemec, L. Haméon, A. Picotte, M. Zinck, C. Poirier, D. Martin.

**Apologies:** T. Bujaczek, D. Petriu, P. Rosen, C. Danik,

**1. Approval of Agenda**

**Consensus:** to table item # 3 to the next meeting.

**Consensus:** to approve the agenda, as amended.

**2. Approval of Previous Minutes**

It was noted that S. Gagnon, C. Danik and C. Poirier were not in attendance.

**Consensus:** to approve the minutes, as amended.

**3. Roles and Responsibilities of Committee members**

Tabled to the June meeting.

**4. Amendment to clause 11.8**

**Current 11.8:**

All members of the NEC are elected at large and as represent the Association at large and not a segregated constituency.

**Proposed amendment to 11.8:**

All members of the NEC ~~are elected at large and as~~ represent the Association at large **as a whole** and not a segregated constituency.

**Action:** send to NEC for approval in June.

**5. Draft resolution to establish a sub-committee to review Local By-Laws**

**Current 21.5**

Each Local may adopt By-Laws which must be consistent with this Constitution. To ensure consistency, By-Laws must be reviewed by the NEC or a delegated sub-committee of the NEC.

#### Concerns discussed by the Constitution and By-Laws Committee

- Clause 21.5 states that Locals may adopt By-Laws – should it be a requirement for the Locals - This would need to be discussed/decided by the NEC.
- Is there a value to reviewing Local By-Laws – does this Committee have the authority to advise a Local to amend/correct their By-Laws – what is the process – are we to report back to the NEC?
- This would seem to be legal work – need to specialized and need time to review
- This is a very time consuming task to review the By-Laws from the Locals
- How many Locals have sent in By-Laws  
**Action:** D. Martin to come back with the number
- How many Locals does CAPE have in total and how many receive a rebate  
**Action:** D. Martin to come back with the numbers
- Perhaps there should be some tools and criteria for Locals to follow – maybe a template – it was mentioned that there was some guidelines prepared a few years ago
- Locals that have 500 plus members must have By-Laws.
- Perhaps a review of Local By-Laws should only be done upon a written request of a Local or one of its members.

#### **6. Final review of Article 19**

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 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 not be held until after such time. Upon completion of the investigation, the SGM must 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~~ **until the next election**, to the NEC or 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.

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 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 shall not be held until after such time. Upon completion of the investigation, the SGM shall be held in accordance with the time limits specified in clauses 31.2 and 31.3.

French version amended as follows:

19.1 Nonobstant le paragraphe 31.1, une Assemblée générale extraordinaire (AGE) portant sur la révocation d'un membre du CEN est convoquée lorsqu'une demande à cet effet est signée par au moins cent (100) membres titulaires ou aspirants. L'assemblée a lieu conformément aux paragraphes 31.2 et 31.3, sauf si une enquête ~~aux termes du règlement 5.3~~ est en attente ou en cours au sujet de l'inconduite alléguée d'un membre. Dans ce cas, le CEN peut exercer son pouvoir, aux termes du paragraphe 6.6 et du règlement 5.1, de suspendre le membre du CEN jusqu'à la fin de l'enquête. L'AGE concernant la révocation du membre ~~n'a~~ lieu qu'après ce moment. Une fois l'enquête achevée, l'AGE ~~a~~ lieu dans les délais prévus aux paragraphes 31.2 et 31.3.

19.4 Le CEN ne nomme pas ~~de~~ à nouveau **jusqu'à la prochain élection pendant la période de révocation**, au CEN ou à un de ses comités, un membre du CEN qui a été révoqué par suite d'un vote des membres, sauf s'il est réélu conformément au paragraphe 19.5.

19.8 L'assemblée générale extraordinaire (AGE) des membres convoquée pour discuter de la révocation d'un membre du CEN est tenue conformément aux paragraphes 31.2 et 31.3, sauf si une enquête ~~aux termes du règlement 5.3~~ est en attente ou en cours au sujet de l'inconduite alléguée d'un membre. Dans ce cas, le CEN peut exercer son pouvoir, aux termes du paragraphe 6.6 et du règlement 5.1, de suspendre le membre du CEN jusqu'à la fin de l'enquête. L'AGE concernant la révocation du membre ~~n'a~~ lieu qu'après ce moment. Une fois l'enquête achevée, l'AGE ~~a~~ lieu dans les délais prévus aux paragraphes 31.2 et 31.3.

19.11 Le CEN ne nomme pas ~~de~~ à nouveau **jusqu'à la prochain élection pendant la période de révocation**, au CEN ou à un de ses comités, un membre du CEN qui a été révoqué par suite ~~d'un~~ vote des membres, sauf s'il est réélu conformément au paragraphe 19.5.

## **7. Issues tabled**

### **7 a) Review of Constitution and By-Laws by legal counsel**

This item is on hold for the time being.

## **Adjournment**

The meeting adjourned at 3:15 p.m.