

**Summary of Constitution and By-Laws Committee  
February 24, 2010  
National Office Boardroom  
1:30 p.m.**

**Present:** M. Zinck (Chair), C. Poirier, S. Mullen, A. Picotte, C. Danik,  
D. Martin.

**1. Chairperson**

The Committee agreed that M. Zinck would be the Chairperson. The Constitution and By-Laws Committee has 6 members, 4 voting members and 2 non-voting members. C. Danik and D. Martin are non-voting, staff members.

**2. Meeting schedule & Workplan**

Meeting Schedule

It was agreed meetings will take place from 1:30 p.m. to 3:30 p.m. on the last Wednesday of the month. Additional meetings may be called if required to meet deadlines. Meetings may start at 2:30 pm if requested by a member.

Work plan (see Appendix A)

A revised work plan for 2010 will be provided to committee members to help guide our work and inform the NEC of our activities in 2010.

**3. Priority Items for 2010**

It was agreed to focus on

- a) Electronic voting and
- b) Future President's Salary and Benefits

It was noted that the amendments must be sent to the National Executive Committee for the regular meeting in May.

It was noted to ensure Legal Counsel reviews all proposed amendments.

**Issue of E-voting**

The Committee agrees that section 27.2 wording 'or similar means' allows for proposed changes. Discussion then centred on the By-Laws, section 3.11, 3.12, 3.13, 3.16. The Committee recognized that the current By-Laws provides a description of a process and this would be better served in a policy which can be then amended as conditions change.

Therefore the Committee will recommend that 2 new policies be created:

1. Mail In Ballot policy which will encompass the sections noted above and other required changes; and

2. Electronic Ballot policy which will address electronic voting. C. Danik will provide a process which was used for the LOP electronic voting pilot and this will serve as the basis for the policy.

- By-Law 3.11 currently does not allow for any other type of voting except by mail – this needs to be amended in order to allow for e-voting
- E-voting refers to internet voting only and not voting by telephone
- We will maintain mail voting
- Preamble to voting Section in the Constitution stating “all voting in accordance with the principles of, confidentiality, democracy, fairness and transparency..”
- The processes will be developed in the policy

Issues to be addressed:

Recount process

Scrutinizers' role in the electronic voting process

Process of linking voting control numbers to the member's names and of ensuring confidentiality

### **Issue of: President's Salary and Benefits**

Rename clause 34 from Contractual Obligations to President's Salary and Benefits

Delete clauses 34.1 and 34.2 – no longer needed

Renumber 34.3 to 34.1

Amend new 34. 1 as follows:

The Association accepts for its President ~~the salary and benefit conditions of the former Social Science Employees Association President and notes that this includes~~ a salary in the EX-2 range of the Executive Category in the federal Public Service, and a benefit package ~~not to exceed~~ of 20% of salary ~~costs~~. Any change to the salary and benefit conditions shall be made as prescribed by clause 33.9.

A policy will be developed to outline conditions of the Presidents employment contract. This policy will cover such issues as: leave entitlements, benefits....

## **5. Identification of Other Proposed Changes 2010 – 2011**

### **a) Review of October 2008 C&B Committee proposed amendments**

The Committee agreed not to pursue these amendments.

### **b) Other issues identified to the Committee by members**

Work will commence in September for additional amendments for the following year.

- New By-Law that stipulates that neither CAPE's National Office nor CAPE Locals shall provide loans to members.
- Complaint process – need to develop a process to receive and review a complaint and determine if the complaint should be investigated by a committee appointed by the NEC
- Expand By-Law 5.3 – Discipline -
- A By-Law is required to address the issue of NEC or NEC sub-committee members to be removed from the NEC or a NEC subcommittee due to absenteeism
- A process is required to ensure Local By-Laws conform with the National's Constitution and By-Laws
- Amendments will be coming forward from an Investigation Committee in April
- An entire review of the Constitution and By-Laws needs to be done to ensure consistency between them. This was suggested by CAPE's legal firm following their work with the Constitution and By Laws in 2008. Phil Rosen, former NEC Director has offered to assist with this effort.

## **6. Action items for next meeting**

C. Poirier and D. Martin will provide any legal opinions that have been received in the past in regards to the Constitution and By-Laws for the next meeting.

C. Danik to provide the process of e-voting used in the LOP election.

Draft text for new 3.11

Draft mail-in voting process policy – to be based around existing by-law sections

Draft electronic voting process policy – to be based on the LOP process

Draft policy for Presidents employment conditions – to be based on the Presidents current contract

**7. Next Meeting**

Wednesday, March 31, 2010 at 1:30 p.m.

**8. Adjournment**

The meeting adjourned at 3:30 p.m.

## **Appendix A - Work plan Timelines for 2010**

Mar-Apr 2010

- Prepare Constitution and By-Law draft changes
- Advice NEC of progress

May

- Proposed Constitution and or By-Law changes to the NEC May meeting with recommendations for approval

June

- Final NEC approval of proposed changes
- Messages provided to Local Leaders, Local Presidents on forthcoming changes
- Advise Elections Committee, if election year.
- Committee to brief any other parties as required.

July-August

- Work continues on AGM packages
- Committee meets only if required

September

- Communication with Presidents and Local Leaders as required
- Develop 2011 work plan

October

- Committee provides proposed 2011 work plan to the NEC for direction

November

- Committee responds to members at the AGM

December

- Committee meets only if required.