

2024 NEC RESOLUTIONS – BY-LAW AMENDMENTS
FOR APPROVAL BY THE MEMBERSHIP AT THE 2024 AGM
November 17, 2024

Resolution #1 – Bilingualism at NEC meetings – Addition of By-law 2.6

Overview: This is a proposed amendment to By-law 2 (Meetings of the National Executive Committee). The addition of new bylaw 2.6 allows for the full participation of members of the NEC in both official languages by requiring motions or resolutions that are not merely procedural to be available in both official languages prior to being considered by the NEC.

Date adopted by the NEC: January 26, 2024

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 2 – MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE	BY-LAW # 2 – MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE
NEW TEXT	B 2.6 Any motion or resolution that is not merely procedural must be available in writing in both official languages before it can be reviewed by the NEC for NEC meetings.

Resolution #2 – Minutes & Recordings of NEC meetings - Addition of By-laws 2.7 and 2.8

Overview: These are proposed amendments to By-law 2 (Meetings of the National Executive Committee). The addition of new By-laws 2.7 and 2.8 improve transparency by allowing members to review recordings of NEC meetings. They also define what must be included in the minutes of NEC meetings, ensuring that minutes contain relevant information on all decisions as well as reports, discussion items, etc. To avoid reopening debate, minutes need to reflect the decisions made and should include a rationale, but do not need to reflect the content of the debate on the motion, which is available in the recording.

By-law 2.7 adopted by the NEC: May 31, 2024;

By-law 2.8 adopted by the NEC: September 27, 2024

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 2 – MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE	BY-LAW # 2 – MEETINGS OF THE NATIONAL EXECUTIVE COMMITTEE
NEW TEXT	<p>B 2.7 Minutes of NEC meetings shall include a record of decisions as well as a high-level summary of reports, discussion items, Committees and Sub-Committees updates, action items from previous meetings and key issues. Minutes do not need to reflect the content of debates on motions.</p> <p>B 2.8 For the purposes of accessibility and transparency, video recordings from an observer perspective of the proceedings of NEC meetings will be produced and published within a reasonable delay in both official languages;</p> <p>that this amendment to the by-laws only comes into force 30 days after its adoption;</p> <p>that the NEC will be comprehensive with the possible delays related to the implementation of this bylaw.</p>

Resolution #3 – Elections and Resolutions - Amendments to By-law 3

Overview: Proposed amendments to By-law 3 (Elections and Resolutions) based on recommendations of past Elections and Resolutions Committees (ERC) and additional recommendations by the current Constitution and By-laws Sub-Committee. Various changes are proposed which aim to improve the elections and resolutions process including:

- Debates are now required only for President and Vice-President positions.
- The ERC shall either organize one public debate or facilitate a suitable alternative for all other elected positions.
- Raising the threshold to submit a resolution from 2 to 10, requiring resolutions to demonstrate some level of support before being put to the full membership for a vote. Alternatively, resolutions can be submitted on behalf of locals without requiring 10 signatures.

Date adopted by the NEC: October 25, 2024

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 3 – ELECTIONS AND RESOLUTIONS	BY-LAW # 3 – ELECTIONS AND RESOLUTIONS
<p>B 3.1. No later than the end of February of each year, the National Executive Committee (NEC) shall issue a call to all Regular and Pending members asking for volunteers to set up an Elections and Resolutions Committee. The NEC shall confirm the composition of the Committee at its regular meeting in April, which shall include at least one member of each bargaining unit represented by the Association. Members of the Elections and Resolutions Committee shall not campaign in support of or against a candidate nor publicly divulge their opinion on a</p>	<p>B 3.1. No later than the end of February of each year, the National Executive Committee (NEC) shall issue a call to all Regular and Pending members asking for volunteers to set up an Elections and Resolutions Committee. The NEC shall confirm the composition of the Committee at its regular meeting in April, which shall endeavour to include at least one member of each bargaining unit represented by the Association. Members of the Elections and Resolutions Committee shall not campaign in support of or against a candidate nor publicly divulge their opinion on a resolution. They shall still be able to exercise their individual right to vote. The</p>

<p>resolution. They shall still be able to exercise their individual right to vote. The Committee shall have the right to revoke the appointment of a Committee member as a result of non-compliance with provisions of these By-Laws pertaining to their responsibilities. Such an action shall require two thirds (2/3) of the votes cast. The NEC replaces the person thus removed with a Regular or Pending member from the same bargaining unit.</p> <p>...</p>	<p>Committee shall have the right to revoke the appointment of a Committee member as a result of non-compliance with provisions of these By-Laws pertaining to their responsibilities. Such an action shall require two thirds (2/3) of the votes cast. The NEC replaces the person thus removed with a Regular or Pending member from the same bargaining unit.</p> <p>...</p>
<p>B 3.3. In accordance with these By-Laws the Elections and Resolutions Committee shall create a nomination form and, no later than June 1 in an election year, shall issue a call by regular mail and/or other means of communications for candidates for positions to be filled in accordance with Article 15 of the Constitution. The nomination form shall accompany this notification.</p>	<p>B 3.3. In accordance with these By-Laws the Elections and Resolutions Committee shall create an election candidate nomination form and, no later than June 1 in an election year, shall issue a call by email and/or other means of communications for candidates for positions to be filled in accordance with Article 15 of the Constitution. The election candidate nomination form shall accompany this notification.</p>
<p>NEW TEXT</p>	<p>B 3.4. In accordance with these By-Laws, the Elections and Resolutions Committee shall create a resolution submission form and, no later than June 1 in an election year, shall issue a call by email and/or other means of communications for proposed resolutions. The resolution submission form shall accompany this notification.</p>
<p>B 3.4 NOMINATIONS</p> <p>...</p>	<p>B 3.5 NOMINATIONS</p> <p>...</p>
<p>B 3.5. On the nomination form, candidates shall clearly indicate the following: position sought, name, home department, bargaining unit and telephone number where they can be reached during regular working hours; and the form must be signed. Anyone supporting the nomination of a candidate pursuant to B 3.4 is required to provide the same information and sign the nomination form.</p> <p>...</p>	<p>B 3.6. On the nomination form, candidates shall clearly indicate the following: position sought, name, home department, bargaining unit, personal email address, and telephone number where they can be reached during regular working hours; and the form must be signed. Anyone supporting the nomination of a candidate pursuant to B 3.4 is required to provide the same information and sign the nomination form.</p> <p>...</p>
<p>B 3.6</p> <p>...</p> <p>B 3.7</p> <p>...</p>	<p>B 3.7</p> <p>...</p> <p>B 3.8</p> <p>...</p>

<p>B 3.8 ELECTIONS CALENDAR AND COUNTING OF BALLOTS B 3.8. After consultation with the candidates, the Elections and Resolutions Committee shall organize one public debate.</p>	<p>B 3.9 ELECTIONS CALENDAR AND COUNTING OF BALLOTS B 3.9. After consultation with the candidates, the Elections and Resolutions Committee shall organize one public debate for candidates for the position of President and one public debate for candidates for each Vice-President position.</p>
<p>NEW TEXT</p>	<p>B 3.10. After consultation with the candidates, the Elections and Resolutions Committee shall either organize one public debate or facilitate a suitable alternative for candidates for all other elected positions.</p>
<p>B 3.9. Rulings of the Elections and Resolutions Committee may be appealed in respect to: e) A decision regarding candidate's material (3.6); f) A decision regarding candidate's eligibility (3.7). Appeals shall be heard by a sub-committee of the NEC, composed of members who are not candidates or nominees in the current election. The sub-committee may invite a representative of the Elections and Resolutions Committee to provide advice. To reverse a decision made by the Elections and Resolutions Committee, the sub-committee shall require a majority of the votes cast.</p>	<p>B 3.11. Rulings of the Elections and Resolutions Committee may be appealed in respect to: a) A decision regarding candidate's material (3.7); b) A decision regarding candidate's eligibility (3.8). Appeals shall be heard by a sub-committee of the NEC, composed of members who are not candidates or nominees in the current election. The sub-committee may invite a representative of the Elections and Resolutions Committee to provide advice. To reverse a decision made by the Elections and Resolutions Committee, the sub-committee shall require a majority of the votes cast.</p>
<p>B 3.10. The Committee shall establish an elections schedule. The voting period shall end ten (10) working days after the Annual General Meeting. The counting of votes will take place on the eleventh (11th) working day after the Annual General Meeting. Results shall be announced on the twelfth (12th) working day after the Annual General Meeting.</p>	<p>B 3.12. The Elections and Resolutions Committee shall establish an elections schedule. The voting period shall end ten (10) working days after the Annual General Meeting. The counting of votes will take place on the eleventh (11th) working day after the Annual General Meeting. Results shall be announced on the twelfth (12th) working day after the Annual General Meeting.</p>
<p>B 3.11. Once the Committee has certified the results of the vote, candidates shall be informed and the information shall be posted on the Association's website.</p>	<p>B 3.13. Once the Elections and Resolutions Committee has certified the results of the vote, candidates shall be informed and the information shall be posted on the Association's website.</p>
<p>B 3.12. Candidates shall be granted five (5) working days to appeal the results of an election. The Elections and Resolutions Committee shall investigate the complaint and render its decision within ten (10) working days following receipt of the complaint. The Committee may decide to do a recount or to take any other</p>	<p>B 3.14. Candidates shall be granted five (5) working days to appeal the results of an election. The Elections and Resolutions Committee shall investigate the complaint and render its decision within ten (10) working days following receipt of the complaint. The Elections and Resolutions Committee may decide to do a recount or to take any other measure</p>

<p>measure deemed appropriate in order ensure the transparency, honesty and integrity of the electoral process.</p> <p>...</p>	<p>deemed appropriate in order ensure the transparency, honesty and integrity of the electoral process.</p> <p>...</p> <p>Note: if approved, existing Articles 3.13 – 3.19 will be renumbered to Articles 3.15 – 3.21.</p>
<p>B 3.20. The National Office will provide members, on request, with an explanation of how the voting instrument chosen for a vote meets the requirements of By-Law 3.15.</p> <p>...</p>	<p>B 3.22. The National Office will provide members, on request, with an explanation of how the voting instrument chosen for a vote meets the requirements of By-Law 3.17.</p> <p>...</p> <p>Note: if approved, existing Articles 3.21 – 3.34 will be renumbered to Articles 3.23 – 3.36.</p>
<p>B 3.35. All resolutions shall be submitted by two (2) Regular or Pending members. Authors of the resolutions shall clearly indicate their name, their home department, bargaining unit and a telephone number where they can be reached during regular working hours, and sign their submission. The resolutions and accompanying remarks shall not exceed a one page (8 1 /2 x 11) text using Arial 12 point font or equivalent. The text shall not refer to any list nor mention individuals or locals who are in support of the resolution. If the authors of the resolution do not provide the document in both official languages, the Association shall have the document translated. The authors shall be granted 5 working days to review the translation produced by the Association.</p> <p>...</p>	<p>B 3.37. All resolutions shall be submitted by either ten (10) Regular or Pending members or one local by completing the resolution submission form. Authors of the resolutions shall clearly indicate their name, their home department, bargaining unit and a telephone number where they can be reached during regular working hours, and sign their submission. The resolutions and accompanying remarks shall not exceed a one page (8 1 /2 x 11) text using Arial 12 point font or equivalent. The text shall not refer to any list nor mention individuals or locals who are in support of the resolution. If the authors of the resolution do not provide the document in both official languages, the Association shall have the document translated. The authors shall be granted 5 working days to review the translation produced by the Association.</p> <p>...</p> <p>Note: if approved, existing Articles 3.36 – 3.39 will be renumbered to Articles 3.38 – 3.41.</p>
<p>B 3.40. Authors of the resolution may delegate one (1) scrutineer to the counting of votes. All other provisions under paragraphs B 3.11 to B 3.36 inclusive shall apply, mutatis mutandis, excluding B 3.14.</p>	<p>B 3.42. Authors of the resolution may delegate one (1) scrutineer to the counting of votes. All other provisions under paragraphs B 3.13 to B 3.38 inclusive shall apply, mutatis mutandis, excluding B 3.16.</p>
<p>B 3.41 ELECTIONS AND RESOLUTIONS COMMITTEE REPORT B 3.41. After the completion of each annual election cycle, the Elections and Resolutions Committee shall prepare a detailed written report. The report shall be presented by the Chair of the</p>	<p>B 3.43 ELECTIONS AND RESOLUTIONS COMMITTEE REPORT B 3.43. After the completion of each annual election cycle, the Elections and Resolutions Committee shall prepare a detailed written report. The report shall be presented by the Chair of the Elections and Resolutions</p>

Elections and Resolutions Committee to the National Executive Committee at its regular meeting in January. The report shall include a summary of the activities lead by the Elections and Resolutions Committee over the election year as well as:

- a) the number of nominations received, by position sought, per bargaining unit under By-law 3.4;
- b) the number of candidates per bargaining unit by position sought who were rejected for failure to comply with the requirements contained in the Constitution and By-laws;
- c) the reasons why each candidate was rejected;
- d) a summary of any challenges encountered during the election cycle; and
- e) recommendations to ensure these challenges are addressed in the subsequent election year cycle.

Committee to the National Executive Committee at its regular meeting in January. The report shall include a summary of the activities lead by the Elections and Resolutions Committee over the election year as well as:

- a) the number of nominations received, by position sought, per bargaining unit under By-law **3.5**;
- b) the number of candidates per bargaining unit by position sought who were rejected for failure to comply with the requirements contained in the Constitution and By-laws;
- c) the reasons why each candidate was rejected;
- d) any resolutions received;**
- e) any resolutions deemed inadmissible or amended, and the reasons for amendment or inadmissibility;**
- f)** a summary of any challenges encountered during the election cycle; and
- g)** recommendations to ensure these challenges are addressed in the subsequent election year cycle.

Resolution #4: Annual Rebates and Interpretation at Local AGMs - Amendments to By-law 4

Overview: These are proposed amendments to By-law 4 (Locals) to better support locals by:

- Allowing locals to receive a lower rebate if they choose (By-law 4.2);
- Increasing the annual rebates to fund local activities (By-law 4.3);
- Ensuring that locals have access to interpretation at their AGMs to ensure the participation of all members in the official language of their choice (By-law 4.6).

Date adopted by the NEC: March 22, 2024

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 4 – LOCALS	BY-LAW # 4 – LOCALS
B 4.2. The rebate is paid out once a year, at the written request of the Local to the National Office.	B 4.2. The rebate is paid out once a year, at the written request of the Local to the National Office. A Local wishing to receive a rebate of an amount lower than that provided for by Bylaw 4.3 must specify this in its written request.
<p>B 4.3. The rebate is paid based on the number EC, TR, LoP, or OPBO dues-paying employees working in that Local according to the table below:</p> <ul style="list-style-type: none"> • 1 - 25 members: \$500 • 26 - 50 members: \$700 • 51 - 75 members: \$1,000 • 76 - 100 members: \$1,500 • 101 - 500 members: \$27,50 • 501 - 1000 members: \$4,500 • 1001 - 1500 members: \$6,000 • 1501 - 2000 members: \$8,000 • 2000 plus members: \$9,000 <p>...</p>	<p>B 4.3. The rebate is paid based on the number EC, TR, LoP, or OPBO dues-paying employees working in that Local according to the table below:</p> <ul style="list-style-type: none"> • 1 - 25 members: \$1,000 • 26 - 50 members: \$1,500 • 51 - 75 members: \$2,000 • 76 - 100 members: \$3,000 • 101 - 500 members: \$5,000 • 501 - 1000 members: \$9,500 • More than 1000 members: \$10,000 <p>...</p>

B 4.6. Authorized travel to attend meetings or courses offered by the Association are reimbursed by CAPE.

B 4.6. Authorized travel to attend meetings or courses offered by the Association are reimbursed by CAPE. **CAPE is also responsible for the necessary expenses for the conduct and interpretation in both official languages of the annual general meeting of any Local that submits a written request for such support.**

Resolution #5 – Complaints and Discipline - New By-law 5

Overview: This is a proposed amendment to By-law 5 (Discipline) that completely revamps the complaints and discipline process. The new By-law 5:

- Improves the screening procedures to prevent CAPE resources from being tied up in frivolous and vexatious complaints;
- Shifts from an adjudicative to an investigative model;
- Mediation is optional and by mutual agreement;
- Complaints are now investigated and heard by a panel of three impartial members, selected from a pool of 12 members, who are appointed triennially. The roster panel then makes a recommendation to the NEC for discipline;
- Language around what constitutes a violation is also clarified, in particular with respect to interactions with other unions.

Date adopted by the NEC: September 27, 2024

EXISTING TEXT	PROPOSED AMENDMENTS
<p>BY-LAW # 5 – DISCIPLINE</p> <p>B 5.1. National Executive Committee (NEC), pursuant to clause 6.6 of the Constitution, shall have the authority to expel, suspend or remove from office any Regular or Pending member who contravenes any provision of these By-Laws or the CAPE Constitution.</p> <p>NEC members shall be removed from office in accordance with Article 20 of the Constitution.</p>	<p>BY-LAW # 5 – DISCIPLINE</p> <p>B 5.1. PURPOSE & SCOPE</p> <p>5.1.1. The purpose of this By-law is to provide a framework for acceptable conduct and the resolution of disputes between CAPE members. This by-law includes guidelines for acceptable conduct and outlines the process for the handling of complaints of misconduct. This by-law is not intended to govern disputes between CAPE members and CAPE staff or other third-parties.</p>

<p>B 5.2. CAPE’s General Counsel (GC) administers the by-law 5 in good faith and in conformity with CAPE’s Constitution, and under the requirements of procedural fairness.</p> <p>The GC may delegate his or her administrative duties with another CAPE employee or manager for a limited period of time.</p> <p>Within the 60 calendar days following the entry into force of the present by-law, the GC shall present to the NEC the policy under which they will administer the by-law 5.</p> <p>If CAPE does not employ a GC, the President will, in consultation with the NEC and the HR Subcommittee, designate a member of the management staff to administer the by-law 5 and exercise the powers of the GC under this by-law.</p> <p>B 5.3. A member engaging in a conduct prejudicial to the good order and welfare of CAPE or its members may be penalized as provided by this By-Law.</p> <p>A conduct prejudicial to the good order and welfare of CAPE or its members includes, but is not limited to:</p> <ol style="list-style-type: none"> a. Violating any provision of the By-Laws and Constitution; b. Acting in a manner that is contrary to the solemn declaration; c. Instituting, urging or advocating that a member institute action in court against this Association or any of its officers without first exhausting all remedies through appeal within the organization; 	<p>B 5.2. DEFINITIONS</p> <p>B 5.2.1. “Complaint Manager” means:</p> <ol style="list-style-type: none"> a) CAPE’s General Counsel; or b) another individual who has been delegated as a Complaint Manager by CAPE’s General Counsel. <p>B 5.2.2. “Discipline” means:</p> <ol style="list-style-type: none"> a) an action taken by the NEC to respond to a finding of member misconduct by a Roster Panel; b) forms of discipline may include, but are not limited to, reprimand, suspension, sanction, or expulsion. <p>B 5.2.3. “Harassment” means:</p> <ol style="list-style-type: none"> a) engaging in a course of vexatious comment or conduct against a CAPE member that is known or ought reasonably to be known to be unwelcome, including, but not limited to personal harassment, and harassment based on prohibited grounds of discrimination such as race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, and disability. <p>B 5.2.4. “Misconduct” includes, but is not limited to:</p> <ol style="list-style-type: none"> a) violating any provision of CAPE’s Constitution and/or By-laws; b) harassment; c) attempting or conspiring to raid or decertify CAPE or any locals or bargaining units thereof; d) slandering, libeling, or otherwise defaming any CAPE member; e) using abusive language or disturbing the peace of any meeting of this Association; f) breaching confidentiality by disclosing details of closed session proceedings or personal information relating to other CAPE members or CAPE staff, which includes furnishing a complete or partial list or any information on the membership of this
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- d. Publishing or circulating among the members' false reports or willful misrepresentations;
- e. Working in the interests of another union against CAPE. However, associating with members, officials or staff of another union is not in itself reason for discipline;
- f. Slandering, libeling or willfully wronging any member of this Association;
- g. Using abusive language or disturbing the peace of any meeting of this Association;
- h. Breaching confidentiality by disclosing details of closed session proceedings or personal information relating to other members or CAPE staff;
- i. Gaining office by dishonesty or misrepresentation;
- j. Interfering with the fair and proper conduct of elections;
- k. Fraudulently receiving money due to this Association or any of its Locals or misappropriating the monies of this Association or any of its Locals;
- l. Using the name of a Local of this Association or the name of this Association for soliciting funds, advertising and the like, without the consent of the Local concerned or the NEC of this Association respectively;
- m. Furnishing a complete or partial list or any information on the membership of this Association

- Association or of any Local to any person or persons other than those whose official position entitles them to have such a list;**
- g) interfering with the fair and proper conduct of elections, including gaining office through dishonesty or misrepresentation;**
- h) fraudulently receiving money due to this Association or any of its Locals or misappropriating the monies of this Association or any of its Locals;**
- i) using the name of a Local of this Association or the name of this Association for soliciting funds without the consent of the Local concerned or the NEC of this Association respectively; and**
- j) deliberately interfering with an official of this Association in the discharge of their duties;**

B 5.3. COMPLAINTS PROCEDURE

B 5.3.1. A complaint that is made under By-law 5 by a CAPE Member or by motion of the NEC shall be filed with the Complaint Manager by filling out the CAPE Member Complaint Form within six months of the last event complained of.

B 5.3.2. CAPE's Complaint Manager shall provide the respondent named in a complaint under this By-law with a copy of the complaint normally within ten (10) days of receipt of the complaint.

B 5.3.3. A respondent may provide a written reply to the Complaint Manager within ten (10) days after being provided with a copy of a complaint under this By-law.

B 5.3.4. The Complaint Manager shall provide the complainant with a copy of the respondent's reply normally within ten (10) days of receipt of the reply.

B 5.3.5. A complaint made against the President will be referred to an external third party.

<p>or of any Local to any person or persons other than those whose official position entitles them to have such a list;</p> <ul style="list-style-type: none"> n. Deliberately interfering with an official of this Association in the discharge of their duties; o. Failing to comply with a settlement agreed upon under by-law 5.14; and p. Failing to comply with a motion adopted by the NEC under by-law 5.23. <p>B 5.4. A complaint in writing shall be received by the National Executive Committee (NEC) within 60 calendar days of the alleged offence having occurred or within 60 calendar days of it having come to the attention of the Complainant(s).</p> <p>B 5.5. The complaint shall include:</p> <ul style="list-style-type: none"> a. the Complainant(s)' email address and postal address; b. the alleged offence(s); c. the date(s) when the alleged offence(s) took place and when they have come to the attention of the Complainant(s); and d. A list of the evidence supporting the allegations – including the names of witness(es), if any – to be presented during the investigation, if any. 	<p>B 5.4. COMPLAINT SCREENING PROCESS</p> <p>B 5.4.1. The NEC shall establish a Member Conduct Roster on a triennial basis, following a recommendation by the General Counsel. The NEC, in establishing the Roster, shall consider the skills and competencies of the candidates, and, where possible, attempt to find some balance across regions and groups.</p> <p>B 5.4.2. A Roster Panel, comprised of no more than three (3) individuals, shall be designated from a 12-Member Conduct Roster composed of Regular members who do not concurrently hold office as President, Vice-President, or a member of the NEC. The General Counsel shall be responsible for designating each Roster Panel, in such a manner as to ensure an unbiased consideration of each case.</p> <p>B 5.4.3. CAPE's Complaint Manager shall provide a copy of each complaint to the Roster Panel normally within ten (10) days of receipt of the reply or the deadline under this By-law for a respondent to provide a reply, whichever is sooner.</p> <p>B 5.4.4. The Roster Panel shall exercise their discretion and may dismiss any complaints which are determined to be frivolous, vexatious, discriminatory, in bad faith, arbitrary, untimely, or have no reasonable prospect of success.</p> <p>B 5.4.5. If a complaint is determined to be frivolous, vexatious, discriminatory, or made in bad faith, the Roster Panel may recommend that the matter be referred to the NEC for an assessment of whether the complainant ought to be disciplined.</p> <p>B 5.4.6. The Roster Panel shall notify the parties and the Complaint Manager normally within ten (10) days of reaching a decision on complaint screening.</p>
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<p>B 5.6. Any complaint in writing that is received by the National Office shall immediately be forwarded to the GC for review.</p> <p>B 5.7. The GC shall review the Complaint within 20 working days. The Complaint shall be rejected if:</p> <ol style="list-style-type: none"> a. The complaint does not fulfill the requirements of by-law 5.5; b. The matter of the Complaint is being, or has already been, dealt with under an ongoing, or completed, dispute resolution process under this by-law; c. The Complaint is trivial or vexatious, or made in bad faith. <p>B 5.8. The GC may contact the Complainant(s) to request information about the Complaint.</p> <p>The GC may accept requests made in good faith to amend the Complaint in order to correct mistakes, make editorial changes or add necessary information that does not change the substance of the initial Complaint.</p> <p>B 5.9. If the GC rejects the Complaint, the GC sends to the Complainant(s) a notification including:</p> <ol style="list-style-type: none"> a. The rationale for the rejection of the Complaint under by-law 5.7; b. The text of by-law 5.10; c. The date of the earliest NEC meeting scheduled after, at least, 15 calendar days of the notification. 	<p>B 5.4.7. For complaints that are screened in, the notification sent to the parties will outline the next steps, beginning with mediation.</p> <p>B 5.5. MEDIATION</p> <p>B 5.5.1. The parties should indicate within ten (10) days of receiving confirmation that the complaint has been screened in whether they wish to participate in mediation.</p> <p>B 5.5.2. If the parties are mutually willing to participate in mediation, the Complaint Manager shall endeavour to appoint an external mediator who has expertise in the area within ten (10) days of confirming same.</p> <p>B 5.5.3. Mediation should normally be conducted within thirty (30) days of the appointment of a mediator.</p> <p>B 5.5.4. CAPE will bear the costs of one mediation session.</p> <p>B 5.5.5. If the mediation process is successful, the parties will enter into a resolution agreement. The mediator will submit a copy of the resolution agreement and a mediation outcome report to the Complaint Manager normally within ten (10) working days of the mediation session.</p> <p>B 5.6. INVESTIGATION</p> <p>B 5.6.1. If the parties cannot agree to participate in mediation or mediation is not successful, the next step is an investigation. The Complaint Manager has the discretion to designate either a Roster Panel for an internal investigation, or to appoint an external investigator who has expertise in the area. The investigator will be appointed within ten (10) days of confirming same to conduct a fact-finding investigation. In determining whether the investigation will be carried out by an internal or external party, the Complaint Manager will take into account the sensitivity of the allegations and their severity.</p>
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<p>B 5.10. Within 15 calendar days of the notification sent under by-law 5.9, the Complainant(s) may request in writing (the Request) that the NEC declare the Complaint to be admissible.</p> <p>Representations made in the Request may only respond to the GC’s rationale to reject the Complaint. Upon receiving the Request, the NEC immediately forwards the following to the Respondent(s) at their last known email or postal addresses:</p> <ul style="list-style-type: none"> a. The Request; b. The Complaint; c. The GC’s notification made under by-law 5.9; d. The date of the NEC meeting specified under by-law 5.9; and e. The text of by-law 5.11. <p>B 5.11. Within 5 working days after the NEC notifies the Respondents of the Request under 5.10, the Respondent(s) may make written representations to the NEC, and only to the effect that the Complaint is trivial or vexatious, or made in bad faith.</p> <p>B 5.12. At the meeting scheduled at the date specified in the notification sent under by-law 5.9, the NEC shall vote (on simple majority) on whether the Complaint should be considered admissible under by-law 5.13.</p> <p>The NEC shall debate whether a Complaint should be considered admissible under by-law 5.13 in camera.</p>	<p>B 5.6.2. The investigation will normally be undertaken and completed within ninety days (90) days of the appointment of an investigator or the referral to the Roster Panel unless delays occur in good faith and no substantial prejudice will result to any person affected by the delay.</p> <p>B 5.6.3. After gathering and reviewing all relevant evidence, the investigator or Roster Panel shall provide a written investigation report to the Complaint Manager, which shall include:</p> <ul style="list-style-type: none"> a) The allegations contained in the complaint; b) The evidence on which the investigator is basing their findings; and c) The investigator or Roster Panel’s findings of fact. <p>B 5.6.4. Normally within ten (10) days of receiving the investigation report, the Complaint Manager will notify the parties in writing of the outcome of the investigation and provide each party with a copy of the draft investigation report.</p> <p>B 5.6.5. Each party will have ten (10) days to provide written submissions on the draft investigation report.</p> <p>B 5.6.6. The investigator will finalize the investigation report within ten (10) days of receiving submissions from the parties or after the ten (10) day period described in 5.6.5, whichever occurs first. This report will only include findings of fact.</p> <p>B 5.7. DISCIPLINE (NEC)</p> <p>B 5.7.1. Regardless of whether the investigation was concluded by a Roster Panel or an external investigator, a Roster Panel will make written recommendations to the NEC on the disciplinary measures, or lack thereof, that the Panel believes are appropriate. The NEC’s final decision should take into account, but need not follow, these recommendations.</p>
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<p>When debating whether the Complaint should be considered admissible under by-law 5.9, the NEC shall only consider:</p> <ul style="list-style-type: none"> a. The Complaint as presented under by-law 5.4; b. The GC’s notification for dismissing the Complaint under by-law 5.9; c. Written representations made by the Complainant(s) in conformity with by- law 5.9; and d. Written representations made by the Respondent(s) in conformity with by- law 5.11. <p>B 5.13. If the Complaint is considered admissible under by-laws 5.7 or 5.12, the GC notifies the Complainant(s) and forwards the Complaint to the Respondent(s)’ last known email or postal addresses.</p> <p>B 5.14. The GC shall call all parties to attend a mediation session to attempt to settle the dispute.</p> <p>The mediation session shall take place within 60 calendar days after a notification was sent under by-law 5.13. The call to attend the mediation session shall include the text of by-law 5.18.</p> <p>At the request of a party or on their own motion, the GC may omit to call a mediation session with sufficient cause. The GC determines whether cause is sufficient in light of the conduct of the parties, the requirements of procedural fairness, and the policy adopted under bylaw 5.2.</p> <p>B 5.15. If the Complaint is not resolved after the mediation session held under by-law 5.14, the GC forms a Dispute Resolution Subcommittee (DRS), composed of three</p>	<p>B 5.7.2. Where a Roster Panel provides recommendations for discipline to the NEC, the respondent shall be notified of same and shall have an opportunity to provide submissions to the NEC within ten (10) days of being so notified before a final decision is reached.</p> <p>B 5.7.3. The respondent may make submissions regarding discipline either in writing or orally, subject to reasonable page and time limits set at the discretion of the Roster Panel.</p> <p>B 5.7.4. After receiving the respondent’s submissions, the NEC shall normally make a decision regarding discipline at the next scheduled NEC meeting, and provide such decision in writing to the respondent.</p>
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<p>CAPE members who are neither involved in the dispute, in a conflict of interests, nor NEC members.</p> <p>NEC members may sit on the DRS on request from the GC, but only when no other CAPE member is available.</p> <p>B 5.16. The GC shall set the date of a hearing in front of the DRS. The hearing shall take place within 30 calendar days after the formation of the DRS.</p> <p>In consultation with the DRS, the GC sets the procedures of the hearing and the presentation of the evidence. The GC informs the parties of the date of the hearing and its procedures as soon as possible, at least 20 calendar days before the hearing. The GC shall include the text of by-law 5.18.</p> <p>B 5.17. The hearing is organized by the GC and chaired by a member of the DRS.</p> <p>B 5.18. If the Complainant(s) refuse or fail to attend a mediation session or a hearing scheduled under by-laws 5.14 or 5.16 without sufficient cause, the Complaint shall be considered withdrawn, the matter settled, and the DRS, if formed, dissolved.</p> <p>If the Respondent(s) refuse or fail to attend a mediation session or a hearing scheduled under by-laws 5.14 or 5.16 without sufficient cause, the DRS may draw a negative inference against the Respondent(s). Such negative inference may result, depending on the circumstances and the conduct of the parties, in the DRS recommending that more severe penalties be imposed on the Respondent(s) under by-law 5.23.</p> <p>Cause shall be submitted as soon as possible in writing to the GC and (if formed) the DRS and notified to all parties. In the case of a mediation session, the GC determines</p>	
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whether cause is sufficient in light of the conduct of the parties and the requirements of procedural fairness. In the case of a hearing, the DRS determines whether cause is sufficient in light of the conduct of the parties and the requirements of procedural fairness.

If one of the parties provides sufficient cause not to attend a mediation session or a hearing scheduled under by-laws 5.14 or 5.16, the GC reschedules the mediation session or hearing as early as possible.

- B 5.19. Notwithstanding by-laws 5.14 and 5.16, and only after considering:
- a. Each parties' interest in the timely resolution of the dispute;
 - b. CAPE's interest in the swift processing of the Complaint;
 - c. Whether delaying the mediation session can increase the chance of settlement; and
 - d. Whether a party has sufficient cause not to attend a mediation session, in consultation with the DRS (if formed), the GC may exceptionally schedule the mediation session or the hearing after the times prescribed under by-laws 5.14 and 5.16.

- B 5.20. The DRS shall report on its findings and make recommendations in writing within 45 calendar days of the hearing. The DRS sends its report to the NEC and the parties. The report shall include the text of by-law 5.22.

The GC may assist the DRS in the drafting of the report. Recommendations shall primarily aim to resolve the dispute between the parties.

Disciplinary measures may be recommended against any party to the Complaint, including the Complainant(s). These measures may be recommended not only in light of the Complaint, but also of any prejudicial conduct that occurred during the proceedings leading to the report. The DRS may recommend measures that could prevent similar disputes in the future.

B 5.21. The NEC will vote on the recommendations made by the DRS at the earliest regularly scheduled meeting taking place at least 30 calendar days after the report was sent to the Parties.

B 5.22. A party to the Complaint may respond to the DRS report in writing. The Response shall be sent to the NEC at least 15 calendar days before the report is to be considered by the NEC. The Response will be added as an annex to the DRS report.

The Response may only make representations on one or more of the following matters:

- Whether the DRS failed to consider evidence listed in the Complaint and presented at the hearing;
- Whether the DRS denied a party the opportunity to be heard in contravention with by-law 5;
- Whether one or more recommendations do not rationally result from the evidence and the arguments presented at the hearing, in substance or in severity; and/or
- Whether one or more new and essential facts, discovered in good faith after the DRS hearing, would have substantially affected the deliberations

of the DRS should they had been presented at the hearing. Such an argument shall be stricken from the Response unless it includes evidence of the new fact and of the timing of its discovery.

B 5.23. The NEC shall debate the recommendations made by the DRS in camera, taking in consideration any Response made under by-law 5.22.

When considering a Response made under by-law 5.22, the NEC will endeavor to uphold procedural fairness in the complaint process. The DRS is dissolved after the NEC decides upon the complaint.

B 5.24. If the Complaint is against the President of the Association, he/she shall delegate his/her authority related to the Complaint itself and the Complaint process under Article 9 of the Constitution to a member of the NEC who is not a party to the Complaint.

B 5.25. A Local directly affected may request the presence of one of the National Executive Officers at one of their meetings to explain the outcome of the dispute resolution process.

Resolution #6 – Reduce threshold to appeal a decision of the Chair - Amendment to By-law 9.2

Overview: This is a proposed amendment to By-law 9.2 (Rules of Procedure) to reduce the threshold for overturning the Chair's decision to a simple majority, in line with Bourinot's Rules of Order. By reducing this threshold, the power of the Chair is reduced and challenges to the decision of the Chair can be overturned by a simple majority.

Date adopted by the NEC: March 22, 2024

EXISTING TEXT	PROPOSED AMENDMENTS
<p>BY-LAW # 9 – RULES OF PROCEDURE</p>	<p>BY-LAW # 9 – RULES OF PROCEDURE</p>
<p>B 9.2. Any member in a meeting may appeal a decision from the Chair, except in cases of interpretations of the Constitution made by the Association's President in accordance with Clause 9.3 of the Constitution. Two thirds of members present must vote against the Chair's decision for it to be reversed.</p>	<p>B 9.2. Any member in a meeting may appeal a decision from the Chair, except in cases of interpretations of the Constitution made by the Association's President in accordance with Clause 9.3 of the Constitution. Two thirds of members present must vote against the Chair's decision for it to be reversed.</p>

Resolution #7 – Accessibility – Addition of By-law 17

Overview: This is a proposal to create a new By-law 17 (Accessibility). This new By-law confirms CAPE’s commitment to ensuring that members with disabilities can equitably participate in CAPE proceedings and activities.

Date adopted by the NEC: September 27, 2024

EXISTING TEXT	PROPOSED AMENDMENTS
BY-LAW # 17 – ACCESSIBILITY	BY-LAW # 17 – ACCESSIBILITY
NEW TEXT	B 17.1. The Association is committed to ensuring that members with disabilities can equitably participate in its proceedings and activities. In keeping with this commitment, any by-law, procedure, or practice will be approached with a focus on universal accessibility and inclusivity while maintaining the integrity of the Association's operations. This commitment aligns with legal standards, including the <i>Accessibility for Ontarians with Disabilities Act (AODA)</i>, and embraces the principles of disability justice.